

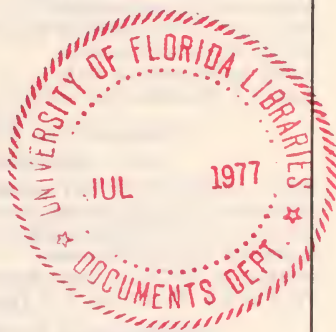
y4. Ag 4/2 Ag 4/2/476
94-2
[COMMITTEE PRINT]

ANNUAL REPORT
FOR THE YEAR 1976

OF THE

SELECT COMMITTEE ON AGING
HOUSE OF REPRESENTATIVES

(Ninety-fourth Congress, 2d session)



Prepared for the use of the Select Committee on Aging
U.S. House of Representatives, Washington, D.C.

U.S. GOVERNMENT PRINTING OFFICE

81-033 O

WASHINGTON : 1977

SELECT COMMITTEE ON AGING—95TH CONGRESS

CLAUDE PEPPER, Florida, *Chairman*

EDWARD R. ROYBAL, California
FRED B. ROONEY, Pennsylvania
MARIO BIAGGI, New York
WALTER FLOWERS, Alabama
IKE F. ANDREWS, North Carolina
JOHN L. BURTON, California
EDWARD P. BEARD, Rhode Island
MICHAEL T. BLOUIN, Iowa
DON BONKER, Washington
THOMAS J. DOWNEY, New York
JAMES J. FLORIO, New Jersey
HAROLD E. FORD, Tennessee
WILLIAM J. HUGHES, New Jersey
MARILYN LLOYD, Tennessee
JIM SANTINI, Nevada
TED RISENHOOVER, Oklahoma
ROBERT F. DRINAN, Massachusetts
DAVID W. EVANS, Indiana
HELEN S. MEYNER, New Jersey
MARTY RUSSO, Illinois
STANLEY N. LUNDINE, New York
MARY ROSE OAKAR, Ohio

BOB WILSON, California
WILLIAM C. WAMPLER, Virginia
JOHN PAUL HAMMERSCHMIDT, Arkansas
WILLIAM S. COHEN, Maine
RONALD A. SARASIN, Connecticut
WILLIAM F. WALSH, New York
CHARLES E. GRASSLEY, Iowa
JAMES ABDNOR, South Dakota
THAD COCHRAN, Mississippi
MATTHEW J. RINALDO, New Jersey
MARC L. MARKS, Pennsylvania

ROBERT S. WEINER, *Staff Director*

JAMES A. BRENNAN, *Assistant to the Chairman*

EDWARD F. HOWARD, *General Counsel*

ROBETTA BRETSCHE, *Minority Staff Director*

SUBCOMMITTEE MEMBERSHIP

(CLAUDE PEPPER, Florida, *Chairman of the full committee*, and BOB WILSON, Ranking *Minority Member*, are members of all subcommittees, ex officio.)

SUBCOMMITTEE NO. 1—RETIREMENT INCOME AND EMPLOYMENT

FRED B. ROONEY, Pennsylvania, *Chairman*

WALTER FLOWERS, Alabama
JOHN L. BURTON, California
DON BONKER, Washington
THOMAS J. DOWNEY, New York
DAVID W. EVANS, Indiana
MARY ROSE OAKAR, Ohio
JAMES J. FLORIO, New Jersey

WILLIAM C. WAMPLER, Virginia
CHARLES E. GRASSLEY, Iowa
THAD COCHRAN, Mississippi

SUBCOMMITTEE NO. 2—HEALTH AND LONG-TERM CARE

CLAUDE PEPPER, Florida, *Chairman*

IKE F. ANDREWS, North Carolina
EDWARD P. BEARD, Rhode Island
HAROLD E. FORD, Tennessee
MARILYN LLOYD, Tennessee
ROBERT F. DRINAN, Massachusetts
STANLEY N. LUNDINE, New York

WILLIAM S. COHEN, Maine
MARC L. MARKS, Pennsylvania

SUBCOMMITTEE NO. 3—HOUSING AND CONSUMER INTERESTS

EDWARD R. ROYBAL, California, *Chairman*

JIM SANTINI, Nevada
TED RISENHOOVER, Oklahoma
ROBERT F. DRINAN, Massachusetts
DAVID W. EVANS, Indiana
STANLEY N. LUNDINE, New York
MARY ROSE OAKAR, Ohio
MARIO BIAGGI, New York

JOHN PAUL HAMMERSCHMIDT, Arkansas
WILLIAM F. WALSH, New York
MATTHEW J. RINALDO, New Jersey

SUBCOMMITTEE NO. 4—FEDERAL, STATE AND COMMUNITY SERVICES

MARIO BIAGGI, New York, *Chairman*

WILLIAM J. HUGHES, New Jersey
MICHAEL T. BLOUIN, Iowa
JAMES J. FLORIO, New Jersey
HELEN S. MEYNER, New Jersey
MARTY RUSSO, Illinois

BOB WILSON, California
RONALD A. SARASIN, Connecticut
JAMES ABDNOR, South Dakota

SELECT COMMITTEE ON AGING—94TH CONGRESS

WM. J. RANDALL, Missouri, *Chairman*

CLAUDE PEPPER, Florida
 SPARK M. MATSUNAGA, Hawaii
 EDWARD R. ROYBAL, California
 FRED B. ROONEY, Pennsylvania
 MARIO BIAGGI, New York
 WALTER FLOWERS, Alabama
 IKE F. ANDREWS, North Carolina
 JOHN L. BURTON, California
 EDWARD P. BEARD, Rhode Island
 MICHAEL T. BLOUIN, Iowa
 DON BONKER, Washington
 THOMAS J. DOWNEY, New York
 JAMES J. FLORIO, New Jersey
 HAROLD E. FORD, Tennessee
 WILLIAM J. HUGHES, New Jersey
 MARILYN LLOYD, Tennessee
 JIM SANTINI, Nevada
 TED RISENHOOVER, Oklahoma

BOB WILSON, California
 WILLIAM C. WAMPLER, Virginia
 JOHN PAUL HAMMERSCHMIDT,
 Arkansas
 H. JOHN HEINZ III, Pennsylvania
 WILLIAM S. COHEN, Maine
 RONALD A. SARASIN, Connecticut
 WILLIAM F. WALSH, New York
 CHARLES E. GRASSLEY, Iowa
 GILBERT GUDE, Maryland

ROBERT M. HORNER, *Staff Director*LYLE MCCLAIN, *Counsel*ALBERT H. SOLOMON, Jr., *Professional Staff Assistant*¹MARTHA JANE MALONEY, *Professional Staff Assistant*V. BERNICE KING, *Financial Secretary*

SUBCOMMITTEE MEMBERSHIP

(WM. J. RANDALL, Missouri, *Chairman of the full committee*, and BOB WILSON, California, *Ranking Minority Member*, are members of all subcommittees, ex officio.)

SUBCOMMITTEE No. 1—RETIREMENT INCOME AND EMPLOYMENT

WM. J. RANDALL, Missouri, *Chairman*

WALTER FLOWERS, Alabama
 JOHN L. BURTON, California
 MICHAEL T. BLOUIN, Iowa
 DON BONKER, Washington
 THOMAS J. DOWNEY, New York

WILLIAM C. WAMPLER, Virginia
 CHARLES E. GRASSLEY, Iowa
 GILBERT GUDE, Maryland

MICHAEL W. MURRAY, *Majority Staff*NANCY E. HOBBS, *Minority Staff*

SUBCOMMITTEE No. 2—HEALTH AND LONG-TERM CARE

CLAUDE PEPPER, Florida, *Chairman*

IKE F. ANDREWS, North Carolina
 EDWARD P. BEARD, Rhode Island
 JAMES J. FLORIO, New Jersey
 MARILYN LLOYD, Tennessee

H. JOHN HEINZ III, Pennsylvania
 WILLIAM S. COHEN, Maine

ROBERT S. WEINER, *Majority Staff*ELLIOT STERN, *Minority Staff*

SUBCOMMITTEE No. 3—HOUSING AND CONSUMER INTERESTS

EDWARD R. ROYBAL, California, *Chairman*

FRED B. ROONEY, Pennsylvania
 HAROLD E. FORD, Tennessee
 JIM SANTINI, Nevada

JOHN PAUL HAMMERSCHMIDT,
 Arkansas
 WILLIAM F. WALSH, New York

JOSE S. GARZA, *Majority Staff*PATRICIA LAWRENCE, *Minority Staff*

SUBCOMMITTEE No. 4—FEDERAL, STATE AND COMMUNITY SERVICES

SPARK M. MATSUNAGA, Hawaii, *Chairman*

MARIO BIAGGI, New York
 WILLIAM J. HUGHES, New Jersey
 TED RISENHOOVER, Oklahoma

BOB WILSON, California
 RONALD A. SARASIN, Connecticut

EDWARD F. HOWARD, *Majority Staff*ROBETTA BRETSCH, *Minority Staff*¹ Resigned September, 1976.



Digitized by the Internet Archive
in 2013

<http://archive.org/details/ansele00unit>

CONTENTS

	Page
Full Committee:	
Funding -----	1
Summary of budget and expenditures -----	2
Staff -----	3
Minority staffing -----	3
Meetings -----	3
Publications:	
Field hearings -----	3
Hearings in Washington, D.C. -----	4
Special studies -----	4
Reports -----	4
Services provided to the House -----	4
Full Committee Field Hearings -----	5
Full Committee Oversight Hearings -----	5
"Education and Training in Aging" -----	5
Funding of Federal programs for older Americans (older American volunteer programs administered by ACTION Agency) -----	6
Age discrimination -----	10
Implementation of White House Conference recommendations -----	11
Reports:	
Funding of Federal programs for older Americans (Oversight of programs administered by Labor Department, U.S. Employment Service, and Civil Service Commission) -----	13
Other significant committee action:	
Increased funding for Older Americans Act titles -----	15
Revenue sharing -----	16
Recommendations of full committee staff for committee oversight program in 95th Congress:	
Administration on Aging -----	17
Funding of Federal programs benefiting the elderly -----	17
Age discrimination -----	18
Activities of Subcommittee No. 1 (Retirement Income and Employment) --	19
Activities of Subcommittee No. 2 (Health and Long-Term Care) -----	21
Activities of Subcommittee No. 3 (Housing and Consumer Interests) -----	33
Activities of Subcommittee No. 4 (Federal, State, and Community Services) -----	40
Appendixes	
Legislation in the 95th Congress relating to the elderly -----	47
Legislation in the 94th Congress affecting the elderly: Enacted and introduced -----	64
Popular designations of some programs benefiting older Americans --	85

ANNUAL REPORT FOR THE YEAR 1976

FULL COMMITTEE

The end of the second session of the 94th Congress also marked the conclusion of the first full Congress in which the Select Committee on Aging was active. It is unique as the first committee in the House devoted solely to the problems of our expanding elderly population—now 1 out of every 10 Americans.

It is well to remind the Members of the House for whom this report was prepared, and those of the general public who may have an interest in the committee that it is a “select” committee as opposed to a “legislative” committee. Thus, it is not empowered to report out bills and can only act in a supportive capacity to the several committees of the House which bear the responsibility for advancing legislation to alleviate the problems of the elderly. The dominant instruction to the committee from the House is “to conduct a continuing comprehensive study and review of the problems of the older American.” It is, therefore, primarily a fact-finding committee for the House in the field of aging.

FUNDING

The funding of the committee’s activities during the second session was accomplished pursuant to the following resolution, which was unanimously agreed to by the House on March 9, 1976.

HOUSE RESOLUTION 1047

Resolved, That for the further expenses of investigations and studies to be conducted by the Select Committee on Aging, acting as a whole or by subcommittee, not to exceed \$580,000, including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration, not to exceed \$50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Select Committee on Aging shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Select Committee on Aging
U. S. House of Representatives
Washington, D. C. 20515

SUMMARY OF BUDGET & EXPENDITURES - 94th CONGRESS AS OF DECEMBER 31, 1976

Authorization, March 21, 1975

\$600,000.00

Authorization, March 9, 1976

\$580,000.00

Expenditures:

	1975	1976	
Salaries	\$226,490.25	\$393,902.16	
Consultants	.00	5,050.00	
Travel:			
Members & Staff	\$12,923.83	\$11,618.75	
Witnesses	2,356.69	2,123.94	
Total Travel	15,280.52	13,742.69	
Per Diem:			
Members & Staff	8,490.00	7,350.00	
Witnesses	715.00	1,075.00	
Total Per Diem	9,205.00	8,425.00	
Telephone	1,594.32	6,842.57	
Supplies & Publications	1,696.31	847.82	
Equipment	2,231.76	10,519.63	
TOTAL EXPENDITURES	\$256,498.16	\$439,329.87	439,329.87
AMOUNT UNEXPENDED		256,498.16	
Total Minority Expenditures	\$ 48,756.60	\$243,501.84*	\$140,670.13
TOTAL EXPENDITURES (94th Congress)		\$123,855.97	
Estimated unpaid obligations		\$695,828.03	
		\$ 4,941.72	

* Unexpended Balance of 1st Session not carried into 2nd Session.

STAFF

For most of 1976 the committee staff consisted of 13 professional assistants, 11 of whom were assigned full time to the substantive work of the committee, and 8 persons employed variously as secretaries, clerks, or research assistants. In addition, the committee utilized the occasional paid services of two consultants in the field of aging.

All of the committee's editorial work—80 publications at the end of the Congress—was done by an employee of the Government Printing Office who was detailed to the committee staff. The General Accounting Office also detailed an employee to the Subcommittee on Health and Long-Term Care for the purpose of preparing a report on nursing home fires.

Substantial assistance to the committee in the form of research was given by the staff of the Education and Public Welfare Division of the Congressional Research Service in the Library of Congress.

The services of 12 student interns from Antioch College, the University of Maryland, Brandeis University, Georgetown University, The Catholic University of America, Emory University, the University of Virginia, Princeton University, and Harvard University were utilized, primarily during the summer months, to assist the professional staffs of the subcommittees. One senior citizen intern was utilized by the full committee staff for 1 month. These were paid a stipend of \$100 per week.

MINORITY STAFFING

Of the above 21 committee employees, 4 professional staff assistants and 2 secretaries were assigned specifically to serve the minority members of the committee.

MEETINGS

The full committee met to conduct the business of the committee on the following dates in 1976: January 28, February 19, March 31, May 20, September 16, and September 29. These are distinguished from hearings which are described elsewhere in this report.

PUBLICATIONS

The following publications were printed for the full committee during 1976. Those printed for the four subcommittees are listed elsewhere in this report.

FIELD HEARINGS

- "Problems of the Elderly in Nevada, Parts 1 and 2"
- "Problems of the Elderly in Alabama"
- "Problems of the Elderly in Pennsylvania, Parts 1 and 2"
- "Services for the Elderly in Muskogee, Okla."
- "Problems of the Elderly in Albuquerque, N. Mex."
- "Long-Term Health Care and Other Problems of the Elderly in New Jersey"
- "Problems of the Elderly in Washington"
- "Problems of the Elderly in Syracuse, N.Y."
- "Problems of the Elderly in Arkansas"

HEARINGS IN WASHINGTON, D.C.

- "Education and Training in Aging"
- "Government's Response to the Elderly (National Clearinghouse on Aging—Part II)"
- "Funding of Federal Programs Benefiting Older Persons (Employment)"
- "Funding of Federal Programs Benefiting Older Persons (Volunteer Opportunities)"
- "Funding of Federal Programs Benefiting Older Persons (ACTION)"
- "Implementation of the 1971 White House Conference on Aging Recommendations"

SPECIAL STUDIES

- "Older Americans Act: A Summary"
- "Age Discrimination: An Overview"

REPORTS

- "Funding of Federal Programs for Older Americans (Oversight of Programs Administered by Labor Department, U.S. Employment Service, and Civil Service Commission)"

SERVICES PROVIDED TO THE HOUSE

Practical assistance has been given to the Members of the House on a daily basis by the committee staff. In addition to copies sent to all House Members of the committee's publications issued to date the front office staff has serviced, just in 1976, at least 530 individual requests by Members for additional copies of publications and 6,146 copies of committee publications have been sent out in response to these requests. In at least 80 instances information has been prepared in letter form at Members' requests in response to constituent inquiries to those Members. An additional 383 requests for specific information were received directly from older Americans or those attempting to care for them, and in each instance a thorough, useful reply was furnished. In many instances substantial research was required as many of these letters deal with the complexities of social security. The full committee staff alone has provided information on an average of 57 times per month by telephone, or personally, to the staffs of the Members. Many more requests were serviced by the subcommittee staffs.

In a further effort to make the aging committee as useful as possible to the Members of the House, a series of workshops for the staff employees of Members was begun in early 1976. These were designed to give staffers an orientation to the field of aging, to acquaint them with readily available source materials, to familiarize them with the ways in which the select committee could assist their members, and in general to establish the committee as the "one-stop" information source for the House.

FULL COMMITTEE FIELD HEARINGS

As part of the process of collecting and studying facts concerning the problems of older Americans, members of the committee went out into the field to meet directly with those who bear the problems and those attempting to solve the problems. These members, acting for the full committee (as distinguished from the subcommittees) visited 35 localities in 19 States and held 42 days of hearings during the 94th Congress.

The problems described by the witnesses did not vary significantly from locality to locality. The witnesses dwelt on the frequently inadequate income of older Americans, on insufficient health care and housing, on their inadequate protection from criminal victimization, on the need for centralizing services for the elderly through multipurpose senior centers, on inadequate transportation facilities, and on the desire for tax relief and reduction in the cost of food. The reports of the subcommittees which follow will deal more fully with these problems and some proposed solutions.

FULL COMMITTEE OVERSIGHT HEARINGS
WASHINGTON, D.C.

"EDUCATION AND TRAINING IN AGING"

On March 3 and 4, 1976, hearings were held to review training and educational—including research—programs in the field of aging sponsored by the Federal Government. On the first day representatives of the National Institute on Aging and the Center for Studies of the Mental Health of the Aging within the National Institute of Mental Health testified concerning their respective programs. On the second day, representatives from several major university gerontology programs and the Virginia Office on Aging testified on the efforts under title IV of the Older Americans Act and on the need for future training and research. Dr. Richard Greulich of NIA discussed the formation of the new institute in 1975 and the areas of research covered by NIA which distinguished it from the other National Institutes of Health. Dr. Gene Cohen of the Center for Studies of the Mental Health of the Aging discussed the background and activities of the newly formed center within NIMH to coordinate its programs affecting the elderly in areas of research, training, and services and to collaborate with AOA, NIA and other governmental agencies in meeting the mental health problems and needs of older persons. The representatives from the universities of Pennsylvania State, Hawaii, Wisconsin, Maryland, Florida, Duke, and Missouri and from the Virginia Office on Aging emphasized the following points:

(1) As aging population and programs for the elderly grow, there is an increased need for adequately trained persons to implement programs.

(2) While much of the funding for training and research comes from non-Federal sources, there is a need for a stable, continuing source of funding by the Federal Government—possible on a matching-type formula.

(3) There is a need to establish centers of departments of gerontology at universities with adequate funding for development over the first few years until enrollment is generated. These centers could provide the much needed interdisciplinary training on problems of the elderly for non-aging specialists such as health care professionals, architects, et cetera.

(4) The norm in industry and large organizations for expenditures on research, demonstration, and evaluation is 2 percent to 10 percent of their operating budget. The Federal Government is spending about 1/20th of 1 percent of its aging expenditures on research.

(5) There is great need for a substantial increase for several types of research: (a) basic research on the general processes of aging; (b) longitudinal and interdisciplinary studies since the aging process cannot be adequately understood by one academic discipline alone; and (c) replication of previously limited social and behavioral research to allow for variations in populations.

FUNDING OF FEDERAL PROGRAMS FOR OLDER AMERICANS (OLDER AMERICAN VOLUNTEER PROGRAMS, ADMINISTERED BY ACTION AGENCY)

The first phase of the inquiry into the older American volunteer programs (OAVP), retired senior volunteer program (RSVP), foster grandparent program (FGP) and senior companions program (SCP) was the collection and review of funding data, and administrative costs. The objective was to determine the percentage of Federal funds appropriated for the OAVP that actually accrue to the elderly in the form of economic benefits.

These data were incorporated in a staff study which was published with the hearing record of June 15 and 16, 1976.

While the OAVP programs were found to be successful in enrolling large numbers of older persons to volunteer, a number of problems were highlighted by the staff study and testimony by ACTION officials, certified public accountants and others who testified before the committee.

1. *Handling of Federal funds.*—ACTION's accounting system was not designed to provide cost data by program. There were serious problems regarding the handling of Federal funds both at the national and local level. These problems included paying volunteers in cash without obtaining receipts.

2. *High costs of administration.*—Approximately half of the funds appropriated for the OAVP are expended for administration, e.g., large expenditures on contracts with private consultants for evaluation studies, et cetera.

3. *Lack of oversight.*—The study revealed that ACTION fails to maintain a level of oversight and monitoring of projects adequate to assure compliance with rules and regulations.

ACTION contended during the hearing that the problems highlighted by the staff study were not typical of its projects and indicated that it had conducted 140 audits.

Between June 16 and September 22, 1976, the chairman requested copies of the 140 audits for staff review and other supplemental information.

A review of the 140 audits confirmed the findings of the first staff study and revealed a number of weaknesses in ACTION's grants management beyond those outlined in the earlier phase. It was revealed that:

1. Some grantees are not meeting the matching fund requirements.
2. Some grantees fail to maintain inventory controls of equipment and property purchased with Federal funds.
3. There is inaccurate reporting by some grantees.
4. Commingling of Federal funds with other funds is present in some cases.

The deficiencies mentioned above were detected through audits done by ACTION, which they use as a major tool to maintain control over grant funds.

The agency informs the committee staff that the deficiencies noted are being corrected by ACTION, working closely with the individual program operators. ACTION's policy, the agency notes, is to use the audit process to strengthen projects, thus enable a program's continuation with termination of grants being done only as a last resort.

A second staff study was drafted and included in the record of further committee hearings, held on September 27, 1976. In addition, ACTION submitted in September some 30 detailed comments on the initial staff report. These comments were included in the record of the September 27 hearings. Further testimony was heard from ACTION officials, and material was submitted for the record by Representatives John Brademas and Augustus F. Hawkins. Staff members were instructed to develop additional facts for consideration by the committee in the 95th Congress.

On October 5, 1976, the chairman addressed a letter to Dr. Michael P. Balzano, Jr., director of ACTION, asking for additional data, including the OAVP audits not previously examined by the staff. No substantive response to this request was received prior to the expiration of the 94th Congress.

As requested by members of the committee, a sampling of project directors was launched in early November, seeking information and opinions concerning ACTION's management, oversight and technical assistance. The scope of the survey included projects in every state and territory where OAVP projects are located.

By letter of November 17, 1976, which was addressed to the chairman of the committee, with copies to all committee members, ACTION's Assistant Director for Congressional Affairs, William B. Prendergast, attacked the neutrality and objectivity of the questionnaire used in the survey. He stated, "It also appears that the 'wide sampling' of project directors receiving this questionnaire has excluded some states altogether." The survey was not completed.

Committee action in the 94th Congress on this matter was concluded with the following letter:

MAJORITY MEMBERS

WM. J. RANDELL, MO., CHAIRMAN
 CLAUDE PEPPER, FLA.
 SPARKS J. MATSUNAGA, HAWAII
 EDWARD H. ROSEN, CALIF.
 FRED B. ROONEY, PA.
 MARIO BIAGGI, N.Y.
 WALTER FLOWERS, ALA.
 BEN F. ANDREWS, N.C.
 JOHN L. BURTON, CALIF.
 EDWARD P. BOND, R.I.
 MICHAEL T. BLUHM, IOWA
 DON BONKER, WASH.
 THOMAS J. DOWNNEY, N.Y.
 JAMES A. FLORIO, N.J.
 HAROLD E. FORD, TENN.
 WILLIAM J. HUGHES, N.J.
 MARLYN LLOYD, TENN.
 JIM SANTINI, N.Y.
 YVESGODIE M. (TED) RISENHOOVER, OKLA.

NINETY-FOURTH CONGRESS

U.S. House of Representatives

Select Committee on Aging

Washington, D.C. 20515

MINORITY MEMBERS

BOB WILSON, CALIF.
 WILLIAM C. WAMPLER, VA.
 JOHN PAUL HAMMERBACH, ANK.
 H. JOHN HEINE III, PA.
 WILLIAM S. COHEN, MAINE
 RONALD A. SARKISIN, CONN.
 WILLIAM F. WALSH, N.Y.
 CHARLES F. GRASSLEY, IOWA
 GILBERT GUDE, MD.

December 2, 1976

Hon. Jack Brooks
 Chairman
 Committee on Government Operations
 2153 Rayburn HOB
 Washington, D. C.

Dear Jack:

The Select Committee on Aging, as part of its oversight responsibilities and pursuant to a Committee resolution, is conducting a study of the funding of Federal programs designed to benefit the elderly. The Older American Volunteer Programs (OAVP), administered by ACTION Agency is part of that broad effort which officially commenced in January, 1976.

ACTION Agency which administers the OAVP programs has failed to cooperate with the effort and, in possible violation of the law, it has actively lobbied Members of the Committee and their staff through its Office of Congressional Affairs and through its federally-funded projects in the field. The most recent attempt by the Committee staff to develop needed information on the projects was a survey of a wide sampling of programs located in ever State and Territory where OAVP projects are located.

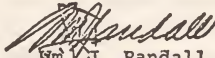
William B. Prendergast, Assistant Director for Congressional Affairs/ACTION wrote a letter to me with a copy to every Member of the Committee in which he attempted to discredit the survey before any of the results had been analyzed and he made a statement in that letter, "It also appears that the 'wide sampling' of project directors receiving this questionnaire has excluded some states altogether." This statement was made without regard to whether or not it was true and it was made without consulting the Committee on the scope of the survey.

This is only one instance of lobbying by ACTION officials. These activities are well-documented in the files of this and other House Committees. The Office of Congressional Affairs at ACTION employs 12 persons

whose salaries aggregate \$174,000 a year, who have worked persistently this past year to divide opinion among the Members of the Committee to block publication of a Committee Report. The active lobbying started before the report was ever drafted. This has created problems not only for my Committee but I have been informed by the distinguished chairman of the Select Committee on Education, John Brademas, and others that similar activities have been carried out by ACTION when other attempts have been made to study the ACTION-administered programs.

If your Committee wishes to investigate this serious matter, my Committee staff will provide documentation on the extensive lobbying activities by ACTION personnel and project personnel in the field.

Sincerely,


Wm. J. Randall
Chairman

cc: Hon. John Brademas
Committee on Select Education
Hon. Augusts F. Hawkins
Subcommittee on Equal Opportunities
All Members
Select Committee on Aging

-WJR:mjm

Other oversight work concerning funding of Federal programs for older Americans is described below under the heading "Reports."

AGE DISCRIMINATION

As the committee looked into employment problems of older people, a common thread of personal and institutional bias emerged. In effect this bias takes middle-aged and older workers out of the job market sooner than they would like to go, and keeps them there. What the committee found is reinforced by the results of a survey made by Lou Harris and Associates on attitudes of the elderly toward themselves, and others toward the elderly. The Harris poll brought out that many who are now retired, perhaps as high as 20 percent, would have preferred to go on working but were forced out of the job market.*

Because of the committee's concern about employment of older workers, and the effectiveness of Federal programs providing employment for older workers, a series of hearings on employment, and employment related services, for the elderly were conducted. Preliminary, and supplementary to these hearings, a review was made of published material on age discrimination in employment. Particular emphasis was placed on development of information about social and economic pressures that cut short or circumscribe the work lives of middle-aged and older workers. The results are embodied in a staff study which has been incorporated as Appendix IV ("Age Discrimination: An Overview") into the transcript of hearings held June 2, 8, and 9, 1976.

In its final form, the initial sections of the study seek to determine whether a substantial number of older people are not only capable of continuing to work, but would also welcome opportunities to extend their work lives. Subsequent sections (1) present arguments for, and against, raising the upper limit of the Age Discrimination in Employment Act to include those 65 and over, (2) contrast social and economic policies that have institutionalized compulsory retirement of employees at arbitrarily determined ages, (3) examine proposals on flexible retirement that are intended to circumvent the shock of abrupt disengagement from the labor force by permitting workers greater individual discretion in determining the time for withdrawal from paid employment, (4) explain the relationship of Federal and State age discrimination enforcement remedies, (5) tell how the courts have construed certain exceptions to the Age Discrimination in Employment Act that permit exclusion of older workers from apprenticeship programs, hiring of younger workers in preference to older workers where the character of the work suggests that youth is a bona fide occupational qualification, retiring of older workers at an age specified in a bona fide employee benefit or pension plan, and (6) review court cases that illustrate how older workers have sought to raise constitutional claims of denial of equal protection of the law and due process in seeking reinstatement of jobs terminated under mandatory retire-

*Lou Harris and Associates, Inc., "A Survey on Aging: Experience of Older Americans vs. Public Expectation of Old Age," p. 211 (Mandatory Retirement) (November 1974).

ment laws. Also included in the overview is an appendix that contains digests of, and commentaries on the Age Discrimination in Employment Act of 1967, and the more recent legislative enactment, The Age Discrimination Act of 1975.

IMPLEMENTATION OF WHITE HOUSE CONFERENCE RECOMMENDATIONS

In September 1968, the House and the Senate, by joint resolution, authorized a second White House Conference on Aging, to be held in 1971. The first such conference had taken place in 1961 and in 1950 there had been a national conference on aging called by the Federal Security Administrator at the direction of President Truman. The enabling legislation, Public Law 90-526 of September 28, 1968, earmarked the expenditure of \$1.9 million in Federal funds for this purpose. In congressional deliberations preceding the passage of the law, it was the consensus that such conferences on a decennial schedule were necessary and desirable in the light of fast-changing economic and social conditions, and that the 1961 conference had served the purpose of focusing national attention on the needs of the aging. However, the 1961 conference was faulted for having accomplished much less than it might have, particularly in the areas of specific plans for action to meet the needs of the elderly and followup of the some 700 recommendations it had produced. Much of the same type of criticism has been leveled at the 1971 conference.

The 1971 White House Conference on Aging was held November 28 through December 2 of that year in Washington, as the culmination of almost 3 years preparatory work at the local, State and regional levels. Some 3,400 delegates attended and they produced a mass of recommendations which addressed all aspects of the problems of the aging. The conference was so organized that it produced sets of recommendations in various major predetermined areas—health, income, housing, transportation, and the like—as well as recommendations pertinent to particular “special concerns” segments of the aging population—ethnic minorities, the rural elderly, the elderly poor, the disabled and infirm.

The final report of the 1971 conference, a two-volume work entitled “Toward a National Policy on Aging,” enumerated 663 recommendations, many of which were multifaceted in that there were often several ideas and suggestions contained in a single recommendation. Also, since the various segments of the conference labored independently, there were duplications. As an example, six separate recommendations urged the establishment of a committee on aging in the House of Representatives.

A 1973 Post-White House Conference report made to the Speaker of the House by the Secretary of Health, Education, and Welfare, “Towards a New Attitude on Aging—April 1973,” contained a “Topical Index to Conference Recommendations,” which set forth 710 separate entries.

Action by the House of Representatives on October 2, 1974, establishing the Select Committee on Aging, laid upon the new committee

a mandate which includes the requirement that it "review any recommendations made by the . . . White House Conference on Aging relating to programs or policies affecting older Americans." The commitment is clear and the matter has received the continuing attention of the members and staff of the committee from its earliest days.

Dr. Arthur S. Flemming, U.S. Commissioner on Aging, and head of the Administration on Aging, Department of Health, Education, and Welfare, in testimony before the committee in November 1975, stated he considered it quite proper for the committee to turn to the Administration on Aging to obtain "an audit, an inventory" of what has and what has not been done with regard to the implementation of the conference recommendations, and acknowledged the ongoing responsibility of the Administration on Aging to keep abreast of these matters at all levels of government as well as in the private sector. The committee was then faced with the problem of finding a practical approach to the conduct of a meaningful review, evaluation and determination as to the status of implementation of the mass of 1971 conference recommendations.

The initial step taken by the committee staff was an in-depth study of all of the recommendations in an effort to cull and consolidate, to focus only on those of significance and substance, and to produce a manageable body of data on which inquiry of the Administration on Aging could be made. The result was 193 separate recommendations, subdivided by functional category—employment, health, housing, income maintenance, and the like. These were forwarded to the Administration on Aging with the request that the committee be provided with an individual response to each recommendation and an indication as to whether it had been implemented, "responded to part way" as Dr. Flemming has described it, or not implemented.

The Administration on Aging responded to the committee with a substantial and informative body of information. With regard to the status of implementation of the recommendations, the Administration on Aging, acknowledging that its evaluations were "by their very nature subjective," reported that it considered: 30 to have been "implemented"; 2 to have been "implemented in principle," although not precisely as recommended by the conference; 116 to have been "partially implemented"; 42 to have been "not implemented"; and 2 as too broad to allow for a definitive evaluation.

There was no response to one of the 193 recommendations, but this recommendation, which dealt with housing, was responded to by Commissioner Flemming in testimony on August 25.

Thereafter, the committee staff focused its attention on the Administration on Aging responses. Further collateral research was conducted and the responses themselves were consolidated and summarized.

Some general observations resulted:

By no means have all of the 193 recommendations identified to the Administration on Aging been implemented. However, since the time of the 1971 conference, attention has been given, at one level or another, to the thrust of almost everyone.

The study by the committee staff would indicate that there has been significantly more activity in addressing the problems

identified in the recommendations through congressional initiatives and authorizations than through aggressive executive branch efforts to implement action.

A substantial percentage of the policies and programs which the Administration on Aging has identified as responsive to the recommendations were actually directed to the improvement in services to the general public in which the elderly are beneficiaries to a greater or lesser extent by virtue of their being a part of that public.

REPORTS

“FUNDING OF FEDERAL PROGRAMS FOR OLDER AMERICANS (OVERSIGHT OF PROGRAMS ADMINISTERED BY LABOR DEPARTMENT, U.S. EMPLOYMENT SERVICE, AND CIVIL SERVICE COMMISSION)”

After extensive staff study and review and 5 days of hearings in June, 1976, the first report of a planned series on the funding of Federal programs for older Americans pursuant to a committee resolution of October 7, 1975, was approved by the full committee and published in September, 1976. This report focused on employment-related programs at the Federal level.

Paid employment programs

The Community Service Employment for Older Americans under title IX of the Older Americans Act is the current Federal categorical program for low-income older workers. It is administered nationally by the Department of Labor principally through contracts with national aging organizations. The committee members concluded that those administering the program seem to be very dedicated and operate it very efficiently. Although funding for the program has been precarious over the years because of disagreement between Congress and the administration, the program has proved to be a most productive and highly regarded effort that seems to merit continued growth beyond its present \$90.6 million and 22,600 job slots.

The Comprehensive Employment and Training Act program (CETA) is a special revenue sharing program for employment programs that the committee concluded has a very poor track record as regards older workers. In spite of the fact that “middle-aged and older men and women” are a special target group under title IIIA of the act, no current direct relationship exists between CETA and any program focused specifically on older workers. Of the approximate \$5 billion being spent for CETA, only about 3.5 percent goes to those 55 and over.

The job opportunities program under title X of the Public Works and Economic Development Act provided \$500 million for job creation and expansion on a one-time basis for high unemployment areas in 1975. About \$21 million of this amount went to the Administration on Aging to provide employment for about 4,800 older workers under the same guidelines as title IX. While title X was continued in a modified form and on a quarter-to-quarter basis, it is not clear what, if anything, will be earmarked for older workers.

The report made the following recommendations concerning the paid employment programs:

1. Congress should carefully consider an amendment to title IIIA of CETA to earmark funds for programs to assist economically-disadvantaged older workers.

2. The Department of Labor should create a separate, adequately-staffed administrative unit with responsibility for title IX.

3. The Department of Labor should begin now to identify and work with new organizations as potential national sponsors for an expanded title IX, and should oversee the operation of the program by the States in the same manner as now for the national contractors.

4. The Department of Labor should schedule audits of national contracts under title IX at least once during the contract period.

5. The Secretary of Labor should utilize discretionary funds under title IIIA of CETA for programs targeted on middle-aged and older economically disadvantaged employees.

6. The Department of Labor should amend its CETA program regulations to require sponsor "plans" to take into specific account the special needs of the low-income older worker and ways to meet those needs.

7. The select committee should undertake a comparison of the cost of Federal employment programs for low-income older workers with the costs to society for their support in existing non-productive social service programs.

United States Employment Service

The U.S. Employment Service is a Federal-State system of 2,400 State and local offices which provide a number of employment-related services to all those who apply. Older workers have been identified as a group for specialized services, but over the years the existence and level of activity of the older worker specialist has greatly deteriorated. The service data of the Department of Labor indicates that the older a person is the less likely that person is to receive any employment service. About 4 percent of the nearly \$700 million expended for employment services are received by persons 55 and over.

The report made the following recommendations concerning the Employment Service:

1. Employment Service should change its policies and practices so that older applicants receive a fair share of services at least in proportion to their numbers as applicants.

2. Restoration of Assistant for Older Workers high within Department; one of initial tasks should be review of older worker specialist program and the needs of older workers.

3. As part of its review of the U.S. Employment Service, the Manpower and Housing Subcommittee of the Government Operations Committee should study the efforts of the Service to meet the needs of the older workers.

4. Employment Service should alter its reporting system in order to provide data on applicants by sex and age.

AGE DISCRIMINATION IN EMPLOYMENT

The Department of Labor has the responsibility for enforcing the provisions of the Age Discrimination in Employment Act of 1967 (ADEA) as it pertains to private employers and State and local governments. While enforcement efforts have been commendable, a substantial backlog has developed in spite of large increases in expenditures and staff over the past few years. Several court decisions have raised a number of provisions in the act that need review and possible change.

The Civil Service Commission has the responsibility for enforcing the provisions of the Act in the Federal sector. Because this responsibility is rather new (since mid-1974), data is vague or lacking. Several aspects warrant further study, e.g., why the Civil Service Commission indicates that enforcement efforts within the Federal sector cost more than those within the non-Federal sector with 94% of those in the protected age group.

The report made the following recommendations concerning age discrimination:

1. Congress should immediately increase the level of funding for ADEA activities within the Department of Labor to the \$5 million authorized and then review the need for an open authorization.

2. Greater resources should be allocated with the Wage and Hour Division to ADEA activities in a specialized approach.

3. Congress should: (a) pass legislation to remove the upper age limit of 65 in the Act and to end mandatory retirement solely because of age; and (b) review the BFOQ's (bona fide occupational qualifications) in the law in light of recent court decisions and the original intent of Congress.

4. GAO should evaluate the enforcement of Section 15 of the Act in the Federal sector by Civil Service in comparison to the Department of Labor's effort in non-Federal sector. Related factor for consideration would be the development of a better personnel information system.

OTHER SIGNIFICANT COMMITTEE ACTION

INCREASED FUNDING FOR OLDER AMERICANS ACT TITLES

On two separate appropriations bills, Chairman Randall on behalf of the committee, offered amendments to increase the funding for Older Americans Act programs in fiscal year 1976, the transition quarter, and fiscal year 1977.

Second supplemental appropriation for fiscal year 1976

The enactment of legislation to extend the Older Americans Act in late 1975 necessitated the passage of a supplemental appropriation to fund the newly extended programs for fiscal year 1976 and the 3-month transition quarter (July 1, 1976–September 30, 1976).

On March 10, 1976, a bipartisan group from the committee, representing the chairmen and all the ranking minority members of all the subcommittees, appeared before the Appropriations, Labor-HEW Subcommittee to request a modest increase over the fiscal year 1975 levels. The Appropriations Committee reported a bill that provided for about one third of the select committee's proposal. On April 13, 1976, Mr. Randall and other members of the committee offered an amendment to H.R. 13172 to increase funding of several Older Americans Act programs by a total of \$24 million in fiscal year 1976 and the transition quarter. The specific programs increased by the amendment were title III—community services, title IV—research, training and multidisciplinary centers, and title V—multipurpose senior centers which had never been funded previously. The amendment was agreed to by voice vote. The provisions of the House bill were slightly increased by the Senate and a compromise between the two was signed into law as Public Law 94-303 on June 1, 1976.

Fiscal year 1977 appropriations bill

As a followup to the committee's proposal for the Second Supplemental Appropriation, Chairman Randall and other committee members sent a letter to the chairman of the Labor-HEW Subcommittee of the Appropriations Committee on May 3, 1976. This letter outlined the select committee's proposal for maintaining the annualized funding levels achieved in H.R. 13172, as passed by the House.

On June 22, 1976, Chairman Randall and a number of committee members sent a letter to each Member of the House which noted that the levels for Older Americans Act programs for fiscal year 1977 in the reported Appropriations bill were, for the most part, very close to those recommended by the Select Committee on Aging. The level provided for title V—multipurpose senior centers, however, was only one half the \$20 million level recommended. As a result, the letter stated the committee members' intention to secure the additional \$10 million by means of a floor amendment.

On June 24, 1976, Chairman Randall offered the \$10 million amendment to H.R. 14232 and it passed by a vote of 318 to 67. The Senate version of the bill maintained the Randall amendment and actually increased the level of funding for two other Older Americans Act titles. The end result was that programs for the aging under the Older Americans Act received \$401.6 million—an increase of \$2.5 million over the House passed version. The bill, H.R. 14232, became law over the President's veto on September 30, 1976 (Public Law 94-439).

REVENUE SHARING

Background

The State and Local Fiscal Assistance Act of 1972 was scheduled to expire December 31, 1976, unless Congress voted to extend the program in the 94th Congress. Much criticism of the revenue sharing program was made by senior citizen groups because an extremely small amount of funds were spent to benefit the elderly specifically even though the elderly were classified as a priority category.

During committee consideration of the bill to extend the act, strong support was evidenced for eliminating the categories since they were

meaningless in light of the "fungibility" problem. The fungibility issue also made earmarking of certain percentage of revenue sharing funds for specific groups such as the elderly an empty gesture. The approach adopted in committee was to eliminate the priority categories and some of the other "stings", but to strengthen the required citizen participation and nondiscrimination provisions in the act. Within this context, Chairman Randall sought to insure greater involvement of the elderly in the decisions on the expenditures of revenue sharing funds.

Randall amendment

On June 10, 1976, Chairman Randall offered an amendment to the revenue sharing bill (H.R. 13367) that senior citizens specifically be given an opportunity to be heard at any required hearing prior to allocation of revenue sharing funds. The amendment carried by voice vote.

The Senate version of the revenue sharing bill did not contain a provision similar to the Randall amendment. Thus, this provision was subject to the conference committee's review. In the conference substitute, a provision was included which requires recipient governments to endeavor to provide senior citizens an opportunity to be heard before the final allocation of revenue sharing funds. While the amendment does not insure that seniors will receive a fair share of the funds, it will insure that their wants be heard and that the elected officials can be held accountable.

RECOMMENDATIONS OF FULL COMMITTEE STAFF FOR COMMITTEE OVERSIGHT PROGRAM IN 95TH CONGRESS

ADMINISTRATION ON AGING

In the first session of the 94th Congress the full committee held oversight hearings for the purpose of examining the work of the Administration on Aging, the focal point for Federal activity in the field of aging. The hearings did not extend much beyond the point of getting on the record the basic facts concerning the Administration on Aging and the national "network on aging," the latter having been established in 1973 amendments to the Older Americans Act for the purpose of developing at the community level a comprehensive, coordinated system of services to meet the needs of the elderly. This line of hearings was set aside in favor of hearings directed to determining facts concerning the funding of Federal programs for the elderly. It would be logical for the committee to resume developing its record from the point it was left on November 6, 1975, and move ahead with a further examination of the efficiency with which the Administration on Aging carries out its network on aging role which is one of oversight, monitoring, assessing, approving State program plans, authorizing Federal funding, and providing technical assistance.

FUNDING OF FEDERAL PROGRAMS BENEFITING THE ELDERLY

At the time the committee approved its resolution (October 7, 1975) to conduct oversight hearings concerning the funding of Federal programs for the elderly, the chairman called attention to the fact that the complexity of the subject matter would certainly suggest that this

work would necessarily extend over several Congresses. The committee has completed the first of seven program categories (that is, employment, health care, housing, income maintenance, social service programs, training and research programs, and transportation) and should logically start on the next—health care—utilizing the same *modus operandi* as was used in the development of information concerning the employment category.

An important aspect of the examination of the funding of Federal programs for the elderly concerns the funds being expended in the form of grants by the executive branch for research and studies concerning the elderly. At the conclusion of the 94th Congress the full committee staff had been instructed by the chairman to prepare a basic staff study on this subject for the purpose of orienting the committee and placing it in a position to pursue this subject matter should it wish to do so.

AGE DISCRIMINATION

Title III of the 1975 amendments to the Older Americans Act require the Commission on Civil Rights to study the problem of unreasonable age discrimination in programs financed with Federal funds. A report of the findings is to be submitted to Congress within 18 months of the enactment of the statute. The report is due May 28, 1977. The issuance of regulations to implement the Age Discrimination Act are tightly bound to this report and concerns have been raised about the seemingly slow start by the Commission to get the study underway and about the potential quality of the report even if it is completed on time. It would seem most appropriate if the staff were to carefully review the status of the age discrimination study and closely monitor its operation during the interim in order to provide the committee members with a detailed report at the beginning of the 95th Congress.

ACTIVITIES OF SUBCOMMITTEE NO. 1 (RETIREMENT INCOME AND EMPLOYMENT)

Hon. Wm. J. Randall, *Chairman*

The subcommittee's areas of concern are income maintenance and employment for the elderly. In the 1st session of the 94th Congress, the efforts of the subcommittee were focused on the economic problems of older women—especially as they pertained to the social security system. While many of the problems identified warranted further study and action by the subcommittee, such action would require a careful review of the present social security system. As the Social Security Subcommittee of Ways and Means was undertaking a review of the system, a decision was made not to pursue the previous efforts of Subcommittee No. 1 lest there be any question of duplication of effort of the legislative committee having primary jurisdiction. As a result, the subcommittee focused on the employment problems of older Americans beginning with a review of the Age Discrimination in Employment Act of 1967 and culminating with efforts to unite with the full committee's review of the funding of Federal employment programs for the elderly.

HEARINGS

"IMPACT OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967"

February 10, 18, and 25, 1976

The subject of these three hearings was the overall impact of the Age Discrimination in Employment Act of 1967 (ADEA). Witnesses were from the private sector and the Department of Labor personnel charged with the enforcement of the act. The private sector witnesses included the personnel director of an aerospace company and the director of a private, nonprofit program addressing the employment problems of older persons. Several shortcomings of the act and its enforcement, such as no affirmative action program, lack of work force information for age analysis, lack of awareness programs to identify problem areas, were pointed out. Mr. Willard Wirtz, Secretary of Labor when the act was passed, testified on the historical setting for the act and need for some basic changes in our manpower and growth policies that affect older workers and the concepts of "security" and "opportunity." He cited three concrete propositions that continue to need attention: (a) More rigorous enforcement of ADEA; (b) end to mandatory retirement by arbitrary fixed age limits; and (c) continuation of expanded older worker programs. The Department of Labor personnel represented the Wage and Hour Administration and the Solicitor's office and were from both the Washington, D.C., offices and

several field offices throughout the country. They provided an overview of their enforcement efforts as well as particular case examples of successes and problem areas either in the act or its interpretation by the courts.

"EMPLOYMENT NEEDS OF THE RURAL AND THE MINORITY ELDERLY"

June 10, 1976

Representatives from the National Farmers Union, the National Center on the Black Aged, the Filipino Service Center, the Asociacion Nacional Pro-Personas Mayores and Howard University's School of Social Work pointed out the unique problems facing minority older persons and older persons in rural areas especially as far as employment was concerned. The witnesses clearly pointed out that the prejudicial barrier of agism was compounded substantially by the additional "isms" of racism, sexism, and what might be called "ruralism." They agreed that the employment problems of minority elderly and those in rural areas are much greater than for other elderly and required more intense and specialized efforts to solve these problems.

REPORTS

No reports were published by the subcommittee itself in the 2d session of the 94th Congress. Instead, much of the background, supportive data, and findings contained in the full committee's report on funding of Federal employment programs for the elderly stem from the subcommittee's efforts in this area.

STAFF RECOMMENDATIONS FOR SUBCOMMITTEE ACTIVITIES IN THE 95TH CONGRESS

Several projects merit study by the subcommittee in the next Congress (not in order of priority):

Review and identification of level of income by source to older persons with a view toward establishing a national policy on retirement income.

Review of current practices regarding retirement age—especially those encouraging earlier retirement—in light of demographic, socio-economic, physical, psychological, environmental and other factors.

Study of the existing preretirement education programs in the private and public sector and the preretirement needs of persons.

The subcommittee staff should work closely with the Education and Labor Committee on a review of and amendments to the Age Discrimination in Employment Act.

The subcommittee staff should work closely with the Ways and Means Committee, which has legislative jurisdiction over the social security and the supplemental security income programs, to assist that committee by way of hearings, research, or studies to insure the effectiveness of these programs which form the economic base for so many older Americans.

ACTIVITIES OF SUBCOMMITTEE NO. 2 (HEALTH AND LONG-TERM CARE)

Hon. Claude Pepper, *Chairman*

SUMMARY

During 1976, the Subcommittee on Health and Long-Term Care continued its effort to develop a continuum of the highest quality health care for the elderly with services as needed ranging from long-term institutional care to expanded home health and supportive services.

In addition to numerous hearings and briefings, three major subcommittee reports were approved by the full committee and distributed to the Congress and the public: (1) "New Perspectives in Health Care for Older Americans: Recommendations and Policy Directions of the Subcommittee on Health and Long-Term Care"; (2) "The Tragedy of Multiple Death Nursing Home Fires: The Need for a National Commitment to Safety"; and (3) "Medical Appliances and the Elderly: Unmet Needs and Excessive Costs for Eyeglasses, Hearing Aids, and Dentures."

The subcommittee pursued its oversight of the executive branch during 1976. Perhaps the prime accomplishment in this regard was the Department of Health, Education, and Welfare's withdrawal of regulations that would have allowed medicaid reimbursement of unlicensed proprietary (for-profit) home health agencies. The regulations had been strongly opposed in joint hearings and followup action by this subcommittee together with the Senate Subcommittee on Long-Term Care.

JURISDICTION

The subcommittee's specific areas of jurisdiction include the following as they relate to the elderly:

Alcoholism	Health research
Alternatives to institutionalization	Health—social services
Biomedical research and development	Home health
Handicapped, care of	Hospital construction
Day health care centers	Hospital facilities
Dental health	Indian hospitals
Disabled care	Institutes of health
Disease control	International health studies and organizations
Drug regulations	Labeling of foods, drugs, cosmetics
Emergency medical services	Long-term care
Food regulation	Clinical laboratories, licensing
Health care standards	Medical care facilities
Health care training	Medical costs
Health education	Medical devices
Health maintenance organizations	Medical libraries
Health manpower	Medicaid
Health planning	

JURISDICTION—Continued

Medicare	Public health services
Mental health	Quarantine
National health insurance	Radiation emission standards
Nursing homes	Senior centers (health services)
Outpatient clinics	Toxic substances
Oversight of HEW procedures and regulations	Veterans domiciliary facilities
Preventive health care	Veterans health care
	Veterans hospitals

REPORTS (PUBLISHED OR AT PRESS)

- (1) "NEW PERSPECTIVES IN HEALTH CARE: RECOMMENDATIONS AND POLICY DIRECTIONS OF THE SUBCOMMITTEE ON HEALTH AND LONG-TERM CARE"

On January 28 the subcommittee's report, "New Perspectives in Health Care For Older Americans: Recommendations and Policy Directions," was approved by the full committee. The report makes 22 legislative and administrative recommendations focusing on the need to alter the Nation's current emphasis on institutionalization and the need to develop an integrated health-social policy for the elderly.

The recommendations include:

Expansion of current home health benefits to create viable, "cost-effective alternatives to institutionalization."

Major reorganization and consolidation of HEW health programs by creating an Assistant Secretary for Elderly Health; and ending the current structural "conflict of interest" of the Office of Nursing Home Affairs' coordination of HEW's interagency home health task force by placing all long-term care task forces under the jurisdiction of the new Assistant Secretary. (See "Oversight.")

A new House Committee on Health "to remedy current congressional and statutory fragmentation" among several current subcommittees. As an interim solution to the current jurisdictional dispute over national health insurance between the House Ways and Means Committee and the Interstate and Foreign Commerce Committee, those committees are strongly urged to hold joint rather than separate hearings on national health insurance.

New Federal incentives for outpatient clinics specializing in geriatrics, and for multipurpose senior centers providing health, nutritional, recreational, and social services.

The report also points out that there has been a "dearth of audits" of the Nation's nursing homes. The subcommittee pointed to HEW figures showing that 20 States had not audited a single medicaid nursing home (there are over 11,000 across the country). "Testimony revealed that hundreds of thousands of dollars had been inappropriately spent in those that had been audited," the report states. The subcommittee recommended federally supervised, unannounced, onsite audits of nursing homes.

Legislation introduced by Chairman Pepper (H.R. 12666 through 12676, H.R. 14107, and H. Res. 14917), Ranking Minority Member H. John Heinz (H.R. 10908), Representative Edward P. Beard (H.R. 9733), and Representative Edward I. Koch (H.R. 10422) would implement various recommendations in the report. Most of these bills have over 50 cosponsors.

(2) "MEDICAL APPLIANCES AND THE ELDERLY: UNMET NEEDS AND EXCESSIVE COSTS FOR EYEGLASSES, HEARING AIDS, DENTURES, AND OTHER DEVICES"

This report documents charges of widespread abuses against elderly purchasers of medical appliances (eyeglasses, hearing aids, dentures, and pacemakers) such as overpricing, high pressure sales techniques, misrepresentation, improperly trained dealers, inaccessible consumer information, antitrust violations, and sale of unnecessary devices. To end these abuses, the report calls for the "immediate implementation of a series of safeguards" including an end to price advertising bans, an FTC investigation of unreasonable charges in the medical appliance industries, and Federal Trade Commission and Food and Drug Administration regulations to ban high-pressure sales techniques, to allow consumers the right to return hearing aids, and to require an examination by a physician before purchase of a hearing aid.

In addition, in order to meet what the subcommittee found to be the "vast unmet need of the elderly for medical appliances," the report recommends that the Congress enact legislation extending medicare part B to cover eyeglasses, hearing aids, dentures and related medical care, as provided as part of H.R. 12676, introduced by Chairman Pepper and 60 cosponsors.

The report calls for the Department of Health, Education, and Welfare to provide these appliances through "volume contract purchasing." Under this proposed system, a number of manufacturers would be awarded contracts for production and distribution of the needed health aids on the basis of selective bidding and could thereby reduce costs significantly from the excessively high levels of the present.

(3) "THE TRAGEDY OF MULTIPLE DEATH NURSING HOME FIRES: THE NEED FOR A NATIONAL COMMITMENT TO SAFETY"

The report recommends requiring the Nation's medicare/medicaid skilled and intermediate care nursing homes to be equipped with automatic sprinkler systems. The subcommittee found that half of the country's 16,500 medicare and medicaid nursing homes are not fully fire-protected by sprinklers.

The report grew out of the joint House-Senate investigation of nursing home fires earlier this year in Chicago, Ill., and Roanoke, Va. The subcommittee found that these fires, which killed 36 and seriously injured 78, demonstrate conclusively that fire resistive construction does not prevent multiple death fires. The subcommittee concluded, after testimony by numerous expert witnesses including the General Accounting Office (see June 3 hearing above), that full protection by automatic sprinklers is the best known way to prevent disastrous multiple death fires.

In addition to the sprinkler provision, the report recommends low interest Federal loans to assist facilities in installing sprinkler systems.

The direct loans, issued by HEW, would be repaid at up to 6 percent interest over a maximum of 20 years. They will replace the current HEW-HUD joint loan insurance program, which the subcommittee found has been totally ineffective.

The report points out that bureaucratic tangling between HEW and HUD, including a "Catch-22" situation of excessive processing time and a prohibition against loan insurance after work has begun, has resulted in the approval of not a single loan anywhere in the country.

Legislation (H.R. 14406) introduced by Chairman Claude Pepper, now cosponsored by 89 members of the House, and similar legislation by Ranking Minority Member John Heinz (H.R. 15576) would implement the recommendations of the report.

HEARINGS AND BRIEFINGS (PUBLISHED OR AT PRESS)

February 10, 1976, Washington, D.C.

"Health Status of the Elderly"

Testimony was heard from Dr. Theodore Cooper, Assistant Secretary of Health in HEW, concerning HEW's report, "Health: United States 1975." Points brought out during questioning included the report's excellent summary of available programs and services but the Department's failure to discuss the adequacy of these services and the need for additional care. Dr. Cooper also discussed the eventual desirability to "collapse" medicaid into the medicare system.

February 24, 1976, Washington, D.C.

"Field Delivery of Home Health Services"

This hearing was part of the subcommittee's continuing series of investigations to determine the extent of need for expanded home health services and to ascertain what services should be federally reimbursed to provide realistic alternatives to institutionalization. Witnesses were field representatives of the National Association of Home Health Agencies.

March 20, 1976, Chattanooga, Tenn.

"Elderly Health Needs and Services in Tennessee"

Most of the 29 witnesses called for expanded alternatives to institutionalization, including home health care, day care, and multi-purpose senior centers.

March 26, 1976, Bangor, Maine

"Mental Health Problems of the Elderly"

Testimony emphasized developing community based programs for the mentally impaired elderly which would provide better access to appropriate treatment, placement, and referral.

March 27, 1976, Presque Isle, Maine

“Problems of Maine’s Rural Elderly”

Testimony centered around problems which occur because of a lack of Federal emphasis on transportation programs coordinated with health and social services.

April 14, 1976, Washington, D.C.

Joint Hearing with Subcommittee No. 4, “Preventive Health Care for the Elderly”

Witnesses, including the International Academy of Preventive Medicine, the President’s Council on Physical Fitness and Sports, the National Association for Human Development, the Delaware and Ohio State offices on aging, and the adults’ health and development program at the University of Maryland, emphasized the necessity for congressional and Executive action in the areas of nutrition and physical fitness.

June 3, 1976, Washington, D.C.

Joint Hearing with Senate Subcommittee on Long-Term Care, “The Tragedy of Nursing Home Fires: The Need For a National Commitment for Safety”

The principal witness, the General Accounting Office, had prepared a report at Chairman Pepper’s request for this hearing on two Chicago fires killing 32 elderly nursing home residents early in 1976 and previous fires elsewhere across the country. GAO concluded that “Federal fire safety requirements do not insure life safety in nursing home fires” and recommended requiring all nursing homes to be fully equipped with automatic sprinklers.

June 23 and 24, 1976, Washington, D.C.

“Medical Appliances and the Elderly: Needs and Costs”

Witnesses included leading manufacturers of hearing aids, eyeglasses, dentures, and blood pressure devices, a panel of the Nation’s leading health insurance company representatives, the Federal Trade Commission, Department of Health, Education, and Welfare, the Food and Drug Administration, the Veterans’ Administration, and consumer organizations. Most witnesses emphasized the great need for eyeglasses, hearing aids, dentures, and blood pressure devices among the elderly. In addition, legislation to extend medicare to cover the costs of these appliances was suggested as well as positive government action to guard against possible abuse in the medical appliance in-

dustries. Information was also given on cost comparisons of medical appliances under various Government programs and in the private sector.

September 30, 1976, Washington, D.C.

"HEW Regulations Procedures (Health and Long-Term Care)"

On March 10 of this year, Chairman Pepper had written to Secretary Mathews concerning evidence that the Department had invited organizations which have economic interests favoring adoption of a proposed regulation to assist in the drafting process, but refused to distribute drafts to probable opponents of the regulation. Chairman Pepper asked for clarification of HEW's procedures and recommended:

It would seem to provide for more quality drafting if the experts in the field which deal with the subject matter on a current and constant basis would be invited to participate at the outset in the drafting of regulations, before any particular value systems are set in motion. Such participation should be without regard to party or position in the specific issue involved, so as to bring experts from all sides.

On July 25, Secretary Mathews announced new procedures designed to allow greater input by individuals and interest groups into the development of regulations. The new procedures require publication of a "notice of intent" in the Federal Register to allow public comment on all options at the outset, expansion of the later public comment time on actual draft regulations from 30 to 45 days, the naming of an actual person in HEW who can be contacted for clarification, review of regulations to determine if they are doing what was intended, and making advance drafts of regulations available to the public at large if they are provided to anyone.

At the September 30 hearing, committee members' statements and testimony by consumer groups generally praised the new procedures as "an excellent step." However, questions were also raised concerning whether the procedures go far enough; why some HEW regulations apparently conflict with congressional intent, restrict benefits, and result in unreasonable hardships on people; reasons for the exclusion of some agencies including FDA from the new "open" procedures; what constitutes a "controversial" regulation that will be distributed for comment; failure to enforce regulations after they are implemented; examples of "overregulation," creating unnecessary "redtape"; and the great length of time taken by HEW to issue certain regulations (in some cases, as long as 4 years).

OVERSIGHT ACTIVITIES

In addition to hearings with executive branch witnesses listed above, the subcommittee's oversight activities during 1976 included the following:

On March 11, Chairman Pepper wrote to Dr. Faye Abdellah, Director of HEW's Office of Nursing Home Affairs and asked HEW "to change the name of the Office of Nursing Home Affairs to the Office of Long-Term Care so as to remove any appearance

of a structural conflict of interest between oversight of nursing homes and the development of alternatives to nursing homes." On April 2, Dr. Abdellah wrote back to Chairman Pepper:

We agree that this name change will convey more accurately our broadened efforts * * *. You will be pleased to know that we have started the implementation of changing the name of the Office of Nursing Home Affairs to the Office of Long Term Care.

The subcommittee analyzed Veterans' Administration reports on veterans' domiciliary care. Chairman Pepper wrote to VA Administrator Richard Roudebush on April 26 for information on action taken to ameliorate substandard conditions. The VA response indicated that it has taken little action on the 52 recommendations made in a VA study of its own facilities in 1974.

On July 13, the subcommittee was informed by memorandum from HEW that the Department will exclude from pending regulations on home health care a provision allowing medicaid reimbursement for unlicensed proprietary (profitmaking) home health agencies. This notice culminated a 10-month long effort by the subcommittee to delete the provision, beginning with House-Senate joint subcommittee hearings on October 28, 1975. House Subcommittee Chairman Pepper, Senate Chairman Moss, and other members of both subcommittees were concerned that the proposed regulations provided inadequate control against abuse, created extreme difficulty for States which do not now permit proprietaries but have no licensing procedures, and were a major policy change unauthorized by Congress.

Chairman Pepper and subcommittee staff have been meeting and working closely with new Carter Administration Presidential Transition staff concerning subcommittee priorities. Numerous discussions have taken place, including subcommittee participation in HEW transition team briefings by leading HEW officials including Commissioner on Aging Arthur Flemming, National Institute on Aging Director Robert Butler, National Institute on Mental Health Director Gene Cohen, Office of Long-Term Care Director Faye Abdellah, and others. These meetings have been extremely productive, and the subcommittee looks forward to ongoing cooperation with the administration.

WORKING WITH LEGISLATIVE COMMITTEES

Throughout the year, the subcommittee worked closely with the standing committees having legislative jurisdiction over matters of concern to the health of the elderly.

The subcommittee assisted in the development of a hearing on February 17 by the Interstate Health Subcommittee on "Long Term Care in National Health Insurance". Chairman Pepper and Ranking Minority Member Heinz both testified at the hearing. Mr. Heinz emphasized the need to insure the long-term care of older persons just as acute needs are now provided. Mr. Pepper discussed the 22 recommendations of the Subcommittee on Health and Long-Term Care's report, "New Perspectives in Health Care for Older Americans" as possible provisions in national health insurance legislation. He emphasized the

need for community long term care centers, home health care, and quality controls.

Subcommittee members and staff worked with the full committee in the development of materials for successful amendments offered by the Full Committee Chairman Randall to increase appropriations for the Older Americans Act by \$26.5 million over prior markup levels. Subcommittee Chairman Pepper testified before the Appropriations Committee with other committee members and specifically emphasized home health services and senior centers. Ranking Minority Member Heinz testified emphasizing senior centers and jobs.

Subcommittee staff has been meeting with Ways and Means staff concerning subcommittee recommendations for a scheduled markup on home health care and other medicare issues. The Ways and Means proposal scheduled for markup in May included two major recommendations of the subcommittee, deletion of the medicare prior hospitalization requirement for home health, and an increase in the current home health visit limits. Unfortunately in the interim, the Senate Budget Resolution called for a decrease in medicare expenditures, forcing a reduction in conference from House figures, and the markup had to be delayed.

The subcommittee is now working with the General Accounting Office in developing data on the cost-effectiveness of home health alternatives to institutionalization. The report, when completed, will be provided to the committees with jurisdiction over home health care, specifically Ways and Means, Interstate and Foreign Commerce, and Education and Labor.

THE SUBCOMMITTEE ON HEALTH AND LONG-TERM CARE'S PROPOSED WORK PLAN FOR THE FIRST SESSION OF THE 95TH CONGRESS

The experience of the subcommittee during the first full year of its operation strengthens the perception which originally culminated in the creation of the Select Committee on Aging: the needs of the aged are widely varied and cut across the entire field of Government and legislative responsibility; they do not easily admit of segregation of in either standing committees or for that matter, subcommittees. Correspondingly, there must be a greater concern within the select committee and its subcommittees to relate problems which have as a primary focus one area, for example, health, to other areas; for example, housing, transportation, or coordination of services across governmental levels. In planning future investigations, hearings, reports, staff studies, and congressional oversight of the governmental agencies, coordinated planning between the subcommittees and the full committee is essential. By this means, the committee's effectiveness in bringing together fragmented and uncorrelated programs for the elderly can be demonstrated. There are several areas below which especially call for such coordination:

- I. Further investigations and policy development which will insure for the elderly (especially the chronically ill and disabled older persons), the right to adequate and appropriate social and/or health care, in the least restrictive setting, using the least intrusive methods, and preserving the person's freedom of choice and right to seek and refuse

treatment. This broad priority area for future investigation and report includes several essential elements:

(a) The subcommittee will continue to work at protecting that population from among the elderly, including "frail elderly," whose risk of disabling or life-threatening illness is high. It will continue to work on programs which insure that legislative, financial and other arrangements which guarantee that services are available to meet the needs of these persons will come to fruition.

In the course of the past year and a half's investigation the committee has identified two critical elements for followup: (1) Development of proposals which foster new methods to identify the population at risk and to address both their short- and long-range service needs through some community based point of referral and screening; (2) Study and recommendations of policies which permit States or localities with responsibilities for delivering service to break down barriers to continuity of care for an individual. The Social Security Act, titles XVII, XVIII, and XIX, the Older Americans Act, the Development Disabilities Act, and other programs currently differ in their definition of services provided; for example, what constitutes home health, the eligibility criteria for such services, which range from entitlement to need to income levels, and the differing standards for provider involvement in these services. Prime among the subcommittee's consideration will be continued refinement of policy options and proposals which can insure that a continuum of care is available to every older person as a matter of right.

(b) The committee has identified home health care as a critical need and will continue to work to insure expansion of these benefits in a coordinated manner while insuring against fraudulent or abusive practices which have the potential to occur as these benefits become more widely available. The committee will press for a unified HEW policy governing home health care. HEW has just issued an extensive report on October 29 and has indicated that an option paper will be following before the end of 1976. The subcommittee will continue its careful review of HEW activities in this area including especially the scope of services which fall under the definition of home health, coordination of services both within programs specifically designed for the elderly and those which also serve other groups, reimbursement, cost control and cost effectiveness, and standards and other mechanisms which can insure quality. The subcommittee will continue its oversight of home health and other HEW standards.

(c) The committee has worked actively to insure that the needs of the elderly for both primary and long-term health care will be taken into consideration in any proposal for national health insurance or a national health system of service delivery. Major bills introduced in the 94th session which dealt with national health care were in some respects deficient in their consideration of the needs of chronically ill elderly persons. None fully address the issues of deinstitutionalization of older persons from nursing homes or of mental institutions. There are also specific gaps in coverage; for example home health care and provision of medical appliances. The subcommittee believes that since national health insurance is likely to become a prime objective in the 95th Congress, careful consideration of these matters is essential and

the findings of the subcommittee should be reported to legislative committee whose jurisdiction includes development of national health proposals.

(d) The subcommittee will give special attention in the 95th Congress to a study of congregate housing and other forms of semi-independent living which include supportive health and social services. The subcommittee will work with the Housing and Consumer Subcommittee in hearings and other investigations designed to analyze the need, availability and impact of these services and facilities. Congregate housing offers the potential of filling an important gap in the continuum of services now available to the elderly. Keeping or placing deinstitutionalized elderly persons in community settings remains a high priority of the subcommittee.

(e) Health and social service professionals needed to train service manpower for work with the elderly are both a vital ingredient to any health and long-term care policy and a means of expanding manpower in new and productive directions. The subcommittee will conduct manpower needed studies and their budgetary impact for each of the proposed health and long-term care initiating their purpose, preventive programs, low-cost, medically sound alternatives to hospitalization for beneficiaries with certain conditions.

II. The subcommittee will continue to examine gaps in medicare services, and recommend for consideration the findings of its report of medical appliances in medicare, specifically eyeglasses, dentures and hearing aids. Questions such as international portability of medicare benefits and improvements in provisions of preventive and health maintenance programs will be studied.

III. The Veterans Administration has in many ways one of the most complete set of benefits for older persons. Yet a great deal of the experience gained both in terms of success and failure of the veterans domiciliary and long-term care programs have not become part of general congressional awareness. The subcommittee will examine this program and related veterans' programs which concern older persons; for example, the VA disability appeals process. Also included in this investigation will be determination of the extent to which veterans' health and long-term programs can or should be coordinated with other governmental and ungovernmental programs.

IV. Chronic illness and chronic disability: Research, training, and rehabilitation. Chronic disease and chronic disability comprise one of the most serious problems facing our country today. Science and technology have made it possible for Americans to live longer primarily due to the conquest of a variety of infectious diseases which in the past were fatal in the early phases of life. Now the major cause of death and disability as well are chronic ailments while more than half the bed-days in acute general hospitals are utilized to treat chronic illness. While chronic illness and disability are not unique to the elderly, the aged are the group hit hardest. Eighty percent of those over 65 in the United States suffer from at least one chronic illness with many suffering from two or more. Furthermore, the prevalence of chronic illness among aging but not aged groups is also widespread. Our increasing knowledge of the aging process indicates that the problem of chronic disability in later years can be traced to the devel-

opment of chronic illness in earlier years. The subcommittee has found in its preliminary investigation that little oversight of programs has been conducted at the National Institutes of Health or the Office of Human Development which are given the prime responsibility for research, training and rehabilitation programs dealing with chronic illness and chronic disability.

The subcommittee will conduct an intensive program of hearings and studies which will deal with the following areas: (1) Oversight of basic research that helps provide the scientific basis for service programs directed at the frail elderly and also those whose needs are similar such as chronically ill and disabled persons. (For example, Kenneth M. Colby, a psychiatrist, has recently discovered findings on post-stroke aphasia and anomia which could form the basis of a new strategy to make possible voice prosthesis.) (2) The subcommittee will investigate the extent to which aging as a process and a social reality is given priority attention within all appropriate institutes of the National Institute of Health. The subcommittee will also study the attention given to applied research programs in HEW with potential to improve the health status of older people. Such areas as development, use and economics of prosthetic devices, research into the nutritional status of older people, studies of prevention, health maintenance or rehabilitation programs, and research on social care dimensions of older persons, are appropriate of the committee's continuing oversight.

Review of both NIH and HEW budgets and forward plans will be conducted to determine whether or not basic research and rehabilitation research in programs for chronically ill elderly are in adequate and proper proportion to the present and emerging national need.

V. Many older and chronically ill persons are dependent on life-maintaining or sustaining substances. In preliminary investigations conducted by members of the subcommittee, it was discovered that there is no national policy for insuring the availability of drugs and other substances to persons who need them. The availability of life-sustaining substances for the most part depends on the supply and demand of the marketplace. FDA authority is limited to certifying drugs as safe and effective. Recently, there have been incidences of regional shortages of certain types of insulin and problems with medications for oral hypoglycemia, a prevalent problem in adult onset diabetes, an illness which affects 10 million persons. This problem is likely to increase with the great growth incidence of diabetes. There are, of course, many other drugs beside insulin and oral hypoglycemia which could fall under the definition of life sustaining or life maintaining for certain persons. The subcommittee will study the role of both private and public institutions as well as the individual practitioner who administers drugs through prescriptions with a view toward recommending actions which can insure the availability of these drugs to those who need them. Policy options in this area include amendment to titles XIX and/or XVIII of the Social Security Act to assure that chronically ill individuals have financial assistance to purchase such drugs, development of FDA regulations and guidelines governing the control of these substances. Federal and other incentives to assist in supply of such critical substances, education and training programs to be directed at either providers or

users of these drugs, and methods which could insure sufficient supplies of these drugs in times of national emergency.

VI. Solutions to State reductions in medicaid services for the elderly. The subcommittee is presently undertaking an investigation of State performance under title XVIII of the Social Security Act. Special attention is being given to the problem of Federal/State matching requirements as they relate to medicaid cutbacks. Examination is also being made of these programs to insure that wasteful or abusive practices may be better identified and curtailed. An important element of this investigation is a subcommittee-initiated request for review by GAO of cost-related reimbursement policies under medicaid and medicare.

VII. Institutional deficiencies. Throughout the subcommittee's investigation of institutionalization, instances of deficiency in care and standards in both nursing homes and boarding homes have come to light. In the 94th Congress the subcommittee worked specifically on life safety. The subcommittee will continue its strong interest in seeking that all nursing home residences are adequately protected against the threat of loss of life or injury due to fire. In addition, the subcommittee is especially concerned in the new term with effective enforcement of patient care standards in nursing homes and the possible extension of Federal regulations to include persons in boarding homes where Federal funds are involved. By way of illustration, many deinstitutionalized nursing home or mental hospital patients find themselves in unregulated welfare hotels and boarding homes which they pay for through the use of SSI funds. While the role of the Federal Government and the jurisdiction in this area still remains an open question. However, if the subcommittee's goal of providing a continuum care is to be achieved, a thorough look at continuity of standards and care for deinstitutionalized, reinstitutionalized, or transferred older persons is essential.

VIII. Reorganization of Federal health programs for the elderly to achieve greater service delivery per dollar spent. The subcommittee will follow up on its oversight hearing on DHEW regulatory procedures and policies to ascertain how effectively these new procedures are working and what their impact is upon service delivery. Beyond that the subcommittee will continue to examine and make recommendations on consolidation of administrative and regulatory efforts and in utilizing scarce health and social service resources to render more available and accessible service. High on the list of consideration will be examination of administrative procedures which fail to provide for public involvement in rulemaking, other guidelines for service delivery and availability.

ACTIVITIES OF SUBCOMMITTEE NO. 3 (HOUSING AND CONSUMER INTERESTS)

Hon. Edward R. Roybal, *Chairman*

JURISDICTION

The subcommittee has jurisdiction over housing, property tax relief, residential security, crime victimization, frauds and deceptions, legal problems, energy problems, consumer credit, and other consumer problems. In this regard, the subcommittee has oversight responsibilities for programs as they relate to the elderly under the following departments and agencies:

Department of Agriculture: Farmers Home Administration

Department of Housing and Urban Development:

Housing Production and Mortgage Credit

Community Planning and Development

Policy Development and Research

Department of Health, Education, and Welfare:

Office of Consumer Affairs

Food and Drug Administration

Social and Rehabilitation Service

Department of Justice: Law Enforcement Assistance Administration
(note: shared with subcommittee No. 4)

Consumer Product Safety Commission

Federal Energy Administration:

Consumer Affairs and Special Impact

Utility Programs

Policy and Analysis

Veterans' Administration: Loan Guaranty Service

Community Services Administration: Emergency Energy Conservation

Federal Trade Commission

SUMMARY OF MAJOR ACTIVITIES

The subcommittee placed special emphasis on three major issues during the 2d session of the 94th Congress. It continued its oversight on the delivery of housing units to the elderly. Specifically, the subcommittee examined the selection criteria for section 202 and the process used by HUD to allocate funds to nonprofit sponsors. Information and data were obtained from HUD publications and an oversight hearing at which Secretary Carla A. Hills testified. In addition, the subcommittee examined the impact crime has had on the elderly. Both actual victimization and the fear of crime were explored. Information was obtained through a series of eight hearings, reviewing studies and reports, a random sample of 50 police departments, contacting the 50

State attorneys general and all State criminal justice planning commissions. Further, the subcommittee studied the consumer problems of the minority elderly. This was done through a hearing at which nine witnesses representing racial and ethnic minorities testified. Further information was obtained through consultation with the National Center on Black Aged and the National Association of Spanish Speaking Elderly.

HEARINGS: PUBLISHED AND TO BE PUBLISHED

"ELDERLY CRIME VICTIMIZATION: RESIDENTIAL SECURITY"

March 15, 1976, Washington, D.C.

HUD's Assistant Secretary for Policy Development and Research discussed personal safety and protection from criminal activity in the home and the neighborhood.

"ELDERLY CRIME VICTIMIZATION: CRIME PREVENTION PROGRAMS"

March 29, 1976, Washington, D.C.

Witnesses representing the National Retired Teachers Association/American Association of Retired Persons and the National Center on Black Aged discussed the crimes most often perpetrated against the elderly and programs they have instituted to help alleviate the problem.

"ELDERLY CRIME VICTIMIZATION: FEDERAL LAW ENFORCEMENT AGENCIES—LEAA AND FBI"

April 12 and 13, 1976, Washington, D.C.

Both LEAA and the FBI discussed data regarding the rates of victimization experienced by the elderly, programs instituted to reduce crime against the elderly, and the role of the Federal Government in assisting the elderly victim. (Published as one volume)

"ELDERLY CRIME VICTIMIZATION: LOCAL POLICE DEPARTMENT CRIME PREVENTION PROGRAMS"

April 28, 1976, Washington, D.C.

Staff from the Alexandria, Va., and Montgomery County, Md., Police Departments testified, presenting data on victimization rates and their experiences with elderly crime victims. They also discussed programs instituted at a local level to reduce victimization.

"ELDERLY CRIME VICTIMIZATION: WILMINGTON, DEL., CRIME RESISTANCE TASK FORCE"

May 6, 1976, Washington, D.C.

The Wilmington Police Department discussed their special program developed to help alleviate crime problems affecting senior citizens.

"CONSUMER PROBLEMS OF THE MINORITY ELDERLY"

May 14, 1976, Washington, D.C.

Nine witnesses representing various racial and ethnic groups testified in regard to the unique problems confronted by their elderly population.

SECTION 202: SELECTION CRITERIA AND THE ALLOCATION OF FUNDS

September 10, 1976, Washington, D.C.

The hearing focused on how the selection criteria discriminate against minority nonprofit sponsors and the mechanism HUD used to select sponsors to be funded. (To be published)

"ELDERLY CRIME VICTIMIZATION: PERSONAL ACCOUNTS OF FEARS AND ATTACKS"

June 3, 1976, Washington, D.C., and September 18, 1976, Los Angeles, Calif.

Elderly victims discussed their experiences and made recommendations to make their environments safer. (These two hearings will be published as one volume.)

The subcommittee assisted the full committee in organizing and holding hearings in: Albuquerque, N. Mex.; Bella Vista and Hot Springs, Ark.

In addition, the subcommittee assisted and participated in a briefing held by subcommittee No. 2 in Philadelphia, Pa.

REPORTS

"ELDERLY HOUSING OVERVIEW: HUD'S INACTION," MARCH 1976

The report describes the operations and functions of section 8 and section 202 and HUD's efforts in implementing these two programs. In addition, the data collected was analyzed and used to evaluate both programs. Further, the report presents recommendations for improving each of these housing programs.

The subcommittee is also in the process of writing an elderly crime victimization report. The report will attempt to describe the scope of the problem nationally, outline successful crime prevention programs implemented in various parts of the country, and make both legislative and programmatic recommendations.

STAFF STUDIES

The following are short reports or concept papers prepared by the subcommittee staff:

"The President's Budget for fiscal year 1977—Its Impact on the Elderly"

"SCORE and ACE: Their Administrative Costs"

- "Developments in Aging for the Spanish Speaking—A Partnership with Research, Planning and Implementation"
- "Elderly Crime Victims: An Unexamined Problem"
- "Review of HUD Housing Activity: Fiscal years 1975-1977—Authorization vs. Budget Outlays"
- "Department of Agriculture Housing Activity: Fiscal years 1975-1977"

COORDINATION WITH OTHER COMMITTEES

Appropriations

The subcommittee communicated its concern for the desperate need for elderly housing to the HUD/Independent Agencies Subcommittee. It also urged that it consider a supplemental appropriation for section 202 in fiscal year 1976. The supplemental was passed, doubling section 202 appropriations to \$750 million for fiscal year 1976.

In addition, the subcommittee worked closely with the Labor/HEW Subcommittee to get title V of the Older Americans Act funded. These efforts were successful, with \$2.5 million appropriated for the transition period and \$20 million for fiscal year 1977.

Further, the subcommittee worked with the Labor/HEW Subcommittee to insert language in the conference report to insure that minority organizations would be eligible for title IX funding. Language stating that the Appropriations Committee "is anxious for the (Labor) Department to enter into contracts with organizations . . . serving black, Spanish-speaking, and other minority groups . . ." was inserted into the conference report.

The subcommittee coordinated its activities with the Agriculture and Related Agencies Subcommittee to get section 504 (FmHA-home repair program) to provide grants to the elderly to rehabilitate their homes. This is the first time grants are to be provided since the inception of the law.

Banking, Currency and Housing

The subcommittee, through its housing report and by other means, worked to pass a new authorization for section 202. The Housing Authorization Act of 1976 was passed by Congress, increasing the section 202 aggregate level up to \$3.3 billion for the next 3 years.

OVERSIGHT AND STAFF ACTION

The subcommittee staff served as advisers and resource persons to the legislative council of NRTA/AARP on the issues of housing and criminal victimization.

The Texas Department of Public Welfare and the Research Program Utilization Administration were provided assistance by the subcommittee in establishing a statewide task force which would examine the special problems encountered by the Mexican American elderly in that State. We have also provided and are providing on-going technical assistance to the Greater South Texas Cultural Basin Commission in its efforts to provide decent housing to the elderly, especially to the Mexican American elderly of south Texas.

The subcommittee has worked closely with the National Center on the Black Aged in developing strategies to improve the housing conditions of the black elderly and other minorities. We helped the center in the development of a proposal to train minority nonprofit sponsors to become eligible for section 202 funding.

Assistance was provided to two universities in the development of their elderly research projects. The subcommittee provided extensive housing information to the University of Nebraska which is preparing an elderly housing report funded by AoA. The subcommittee assisted the health education program of the University of New Mexico in identifying funding sources for a "Health Education Program for Senior Citizen Program Administrators and Field Workers."

The subcommittee provided information and other assistance to the Conservation Foundation which is developing a general issues paper for AoA. The paper examines the impact neighborhood revitalization programs have had on the aged.

A folder on section 202 which describes the program, funding levels, eligibility criteria and outlines the procedures for submitting proposals was prepared for the New Mexico Housing Authority, the State Planning Office and the Housing Assistance Council. This information was used at an elderly housing panel at the annual New Mexico housing conference.

The subcommittee, in conjunction with several elderly organizations, took action to assist the State of California Commission on Aging to maintain its independence and prevent it from being incorporated into the State Office on Aging.

The National Paralegal Institute, Inc., was assisted by the subcommittee in retaining funding for its 11 model projects.

The subcommittee has worked closely with the Washington staff of the National Association for the Spanish Speaking Elderly. Specifically, we have addressed concerns relating to title IX and section 202.

The subcommittee devoted a substantial portion of its time working with the Ad Hoc Planning Consortium of National Organizations in the development of a proposal which would address the problem of elderly criminal victimization on a national scale. The subcommittee not only provided data but assisted in identifying funding sources and in providing support for such a project.

The subcommittee submitted written comments to the Food and Drug Administration on the proposed hearing aid regulations. The subcommittee's position was that a medical evaluation should not be waived before a prospective user can purchase a hearing aid. The final regulations will soon be published with a strengthened waiver provision.

ISSUES THAT NEED TO BE ADDRESSED

The subcommittee staff is of the opinion that the following issues should be examined by Congress in the coming session:

Rural Housing.—Research the housing needs of the rural elderly to determine their needs.

Elderly Consumer Credit.—Determine the role the Federal Government should play in abolishing discrimination based upon age.

Housing.—An examination of the housing continuum from residential independent living to nursing homes. Continue on-going section 202 oversight. Continue on-going section 8 oversight.

Minority elderly.—Conduct a study to determine the special needs of the minority elderly.

Retirement Communities.—Conduct a survey of the nation's retirement communities.

RECOMMENDATIONS IN HOUSING REPORT

The following recommendations were made in the March 1976 report of the subcommittee:

For section 8

(1) A task force should be created, composed of HUD officials and staff, developers, builders, representatives of the building industry, nonprofit sponsors, Farmers Home Administration staff, State HFA's, the financial community and elderly advocate groups to review, evaluate and ultimately improve section 8.

(2) The present 60-day limitation of the subsidy on unoccupied section 8 units should be extended to cover only the debt service (principal and interest) accruing to that particular unit.

(3) A program of coinsurance should be developed which would include State HFA's and private interests as well as the Federal Government. At the very least, the present 20-percent limitation on coinsurance, as defined in section 244 of the Housing and Community Development Act of 1974, should be removed.

(4) Consideration should be given to the further implementation of the Federal guarantees outlined in section 802 of the Housing and Community Development Act of 1974, and to the formulation of new guarantees which would encourage lending agencies while holding Federal exposure to risk and expense to a minimum.

(5) The term of the housing assistance payments contract should be extended from 20 to 40 years for private and nonprofit developers.

(6) A memorandum of understanding should be prepared jointly and signed by HUD and FmHA, outlining the respective obligations and responsibilities of each in an effort to combine the section 8 and section 515 programs.

(7) Congress should insure that the Secretary of Labor implement the Davis-Bacon Act more realistically and equitably so as to reflect actual wages prevailing in the immediate area of the project involved.

(8) A reevaluation of fair market rentals should be undertaken. The ceilings established in some areas have made existing housing unavailable to older people in need and have discouraged developers of new units, who fear that the FMR will not be sufficient to support the projects' operating costs and debt service.

(9) Congress should hold HUD responsible for informing Congress of the specific remedies it plans to effect to render the section 8 program more operable.

(10) Congress should insist on the development of a more current and complete reporting system within HUD so that it can more effectively monitor the section 8 program.

For section 202

(1) Congress should stipulate that a Federal agency must develop and publish guidelines and implementing regulations within 90 days after the passage of a public law.

(2) HUD should streamline the section 202 funding application process.

(3) The interest rates for the long-term section 202 loan should be lowered.

(4) Finally, and most importantly, Congress needs to provide more funds for section 202.

NINETY-FOURTH CONGRESS

SPARK M. MATSUNAGA, HAWAII, CHAIRMAN
 MARIO BIAGGI, N.Y.
 WILLIAM J. HUGHES, N.J.
 THEODORE H. RISENHOOVER, OKLA.

BOB WILSON, CALIF.
 RONALD A. SARASIN, CONN.

EX OFFICIO:
 WILLIAM J. RANDALL, MD.

U.S. House of Representatives

SELECT COMMITTEE ON AGING

SUBCOMMITTEE ON FEDERAL, STATE
AND COMMUNITY SERVICES

Washington, D.C. 20515

December 6, 1976

Hon. Wm. J. Randall
 Chairman
 Select Committee on Aging
 U.S. House of Representatives
 Washington, D.C. 20515

Dear Mr. Chairman:

Attached is a report describing the main activities of this Subcommittee during 1976.

As you know, this year completes the first Congress of the Select Committee's existence -- and my last Congress of service on it. One of my deepest regrets about leaving the House of Representatives is that it requires me also to leave the Select Committee on Aging.

Under your leadership, the Committee has achieved significant results in helping improve the quality of life for America's senior citizens.

I am also proud of the record of my own Subcommittee on Federal, State and Community Services. Especially in the field of improving transportation services for the elderly, the Subcommittee staked out and pursued areas of significant need. In important instances, we have succeeded.

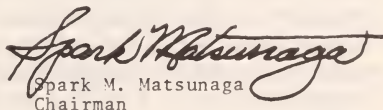
I want particularly to call attention to the excellent cooperation within the Subcommittee between majority and minority members. The Ranking Minority Member, Congressman Bob Wilson of California, has been consistently supportive. Positive results have been achieved.

I intend fully to pursue the interests of the elderly in the Senate, where I will be serving beginning in 1977. I know that the Select Committee on Aging will continue its excellent work, and I stand ready to assist it in any way possible.

The job remaining is a monumental one. Older Americans continue in desperate need across the country, and the cooperation of all of us concerned about their well-being will be essential if that situation is to be changed. I pledge my personal best efforts to that end.

Aloha and best wishes.

Sincerely,


 Spark M. Matsunaga
 Chairman

ACTIVITIES OF SUBCOMMITTEE NO. 4 (FEDERAL, STATE, AND COMMUNITY SERVICES)

Hon. Spark M. Matsunaga, *Chairman*

The Subcommittee on Federal, State, and Community Services has completed a year of activity marked by completion of its first major report, monitoring implementation of new Older Americans Act programs, and provision of technical support for appropriation initiatives by senior members of the Committee on Aging.

A brief description of these and other major projects undertaken by the subcommittee during 1976 follows:

TRANSPORTATION

In its first full year of operation, subcommittee No. 4 devoted the major part of its activity toward the goal of increasing mobility of older Americans. Senior centers, health clinics, and other services for older persons are useless if older persons cannot reach them.

One recent study calculated that one-third of all senior citizens have special, unmet transportation needs. A number of factors contribute to this lack of mobility—low incomes, gaps in service, rural isolation, design problems, and difficulties in walking long distances or operating automobiles.

In response to this demonstrated need, Subcommittee No. 4 undertook a thorough inquiry into the extent of the problem and how best to fashion remedies for it. Hearings were held in Washington, D.C., in New Jersey, and in Connecticut, specifically on this subject. The subcommittee also drew from general field hearings held in many parts of the country by other subcommittees.

Working with one of the country's outstanding transportation economists, Dr. Joseph Revis of the Institute of Public Administration, the subcommittee compiled and issued in May a report which (1) summarized the need for better transportation for older Americans, (2) reviewed existing Federal programs in the field and the gaps and deficiencies discovered in them; and (3) recommended specific steps to be taken by Congress, the White House, and various executive agencies to deal with this most pressing problem. A summary of the report's recommendations is included as an appendix to this document.

The report, titled "Senior Transportation: Ticket to Dignity," received wide distribution. Led by the chairman and ranking minority member of the subcommittee, members of the Select Committee on Aging introduced legislation to implement those recommendations requiring statutory changes. Several recommendations have been acted on administratively. Prodded by the report's recommendations, the Commissioner on Aging transmitted to the subcommittee chairman in November his recommendations for improving elderly transportation.

These recommendations were required under the 1973 Older Americans Act amendments to be transmitted to Congress in January 1975. A further report, "Transportation for Older Americans 1976: Progress, Prospects, and Potentials," accompanied the Commissioner's recommendations.

Most of the recommendations in the subcommittee's report are not yet accomplished, and transportation services for elderly persons remain woefully inadequate. Coupled with the suggestions from the Administration on Aging, the recommendations in the subcommittee's report map out sound strategy which, if fully accomplished, would effect major improvements.

MULTIPURPOSE SENIOR CENTERS

The chairman and ranking minority member of the subcommittee were leaders in the bipartisan effort of committee members which resulted, for the first time, in funds being appropriated for multipurpose senior centers under title V of the Older Americans Act. Subcommittee members testified, communicated formally with House colleagues, spoke in support of floor amendments, and monitored Senate actions to assure this important new initiative was begun.

Once appropriations were enacted, the subcommittee notified some 8,000 senior centers and other organizations of their availability and responded to scores of inquiries about the new program.

Senior subcommittee members reviewed Administration on Aging guidelines for the newly funded program and transmitted comments for improvements in draft interim regulations in July. Since that time the subcommittee staff has kept in close touch with Administration on Aging officials administering the program. Of particular concern is the apparent reluctance of Administration on Aging to implement those sections of the law authorizing mortgage insurance and interest subsidy programs for senior centers. Full implementation of the title should be pursued in the 95th Congress. Also of importance is the issue of staffing funds for centers, and their fuller integration into the aging network. The potential for making senior centers nationwide the focal point for service delivery to seniors is an exciting, yet a workable one, and deserves attention in the coming Congress.

OLDER AMERICANS ACT APPROPRIATIONS

Senior subcommittee members were very active in committee efforts to secure more nearly adequate funding levels for OAA programs, both in the fiscal year 1976 second supplemental appropriation bill, and in the regular fiscal year 1977 Labor-HEW appropriations bill. The subcommittee was particularly gratified at the fine cooperation shown by the House Appropriations Committee. The subcommittee should stand ready to provide technical assistance or data-gathering services to the Appropriations Committee, to help in their momentous task of recommending appropriate funding levels on programs of vital importance to older Americans.

CRIME AGAINST THE ELDERLY

Although a great deal of the work in this subject is being undertaken by the Subcommittee on Housing and Consumer Interests, the subcommittee retains its interest in the matter. Hearings were held in New York City in January and in December, focusing both on violent crime against older persons and on "confidence games" that prey on them.

Acting on data developed in these and other hearings, the subcommittee chairman pressed successfully for inclusion in anticrime legislation enacted this year of a requirement that States devise a plan for fighting crime against the elderly. Also enacted was the chairman's bill to require greater funding for community anticrime efforts, which often center on protection of the elderly.

But concern over older people being victimized by criminals is growing. Of particular concern is the effect that fear of crime has on the elderly's freedom of movement. In the coming Congress, a suggestion by the subcommittee's ranking majority member for using retired policemen as security assistants for the elderly should be explored thoroughly.

PHYSICAL FITNESS

Preventing health problems is not only the least painful approach, it is the least expensive as well. In recognition of these facts, the subcommittee joined with subcommittee No. 2 in holding hearings in April on preventive health strategies for the elderly. Later, subcommittee staff members visited a physical fitness workshop for the elderly in West Virginia.

One of the witnesses at the April hearing operates a pilot physical fitness program in the States of Delaware, Ohio, Maryland, and Texas. The subcommittee's ranking minority member was instrumental in obtaining Administration on Aging approval for expansion of the pilot program to 4 of the 10 Federal regions.

Monitoring of projects like these could be an important subcommittee activity in the coming Congress.

INTERNS

The subcommittee obtained full committee approval in January for a report recommending that the House of Representatives authorize a formal program of senior citizen interns, patterned after its summer intern program for students and teachers. Although the resolution embodying the report's recommendation was not formally considered in the House Administration Committee, the idea remains a sound one and should be given careful consideration in 1977.

The subcommittee chairman also suggested that the committee institute a summer intern program of its own, a suggestion that was approved and implemented in the summer of 1976.

ELDERLY FEDERAL PROGRAM DIRECTORY

Recognizing the need for a convenient, easy-to-read guide to major Federal programs serving the elderly, the subcommittee compiled and edited such a document. The Government Printing Office is now completing the printing of the directory.¹

¹ As of June 1977 copy had not been received for printing by GPO.

ATTACHMENT TO REPORT OF SUBCOMMITTEE NO. 4

Excerpt from: SENIOR TRANSPORTATION: TICKET TO DIGNITY, Report by the Subcommittee on Federal, State and Community Services of the Select Committee on Aging, U.S. House of Representatives, May 20, 1976.

IV. RECOMMENDATIONS

1. IMPROVE COORDINATION

(a) The President should require Federal social service agencies to try to secure authorized transportation services through local transit agencies.

(b) Waivers of regulatory requirements impeding coordination of program funds for elderly transportation should be granted in all possible cases by the executive branch.

(c) Congress should explicitly permit or require such coordination on all new social services programs.

(d) DOT's improved coordination procedures in the section 16(b)(2) program should be continued and expanded.

2. SPECIAL RURAL PROBLEMS

The House Public Works and Transportation Committee should consider establishing a single public transportation authority, with responsibility in both urban and rural areas (also see funding recommendations, below).

3. FUNDING LEVELS AND CONTINUITY

(a) AOA should provide more gradual phaseouts of funding for model projects.

(b) More money must be freed for operating expenses, as well as capital purchases. Since operating costs are high, substantial amounts of money may be required, and the House Public Works and Transportation Committee is urged to give every consideration to these needs.

(c) State and local governments should provide tax-free or low-cost fuel, maintenance, and parts to transportation projects for the elderly.

4. VOLUNTEER ENCOURAGEMENT

(a) The tax code should be amended to permit the same mileage deduction for volunteer activity as for business mileage.

(b) State and local governments should consider making tax-free or low-cost fuel, maintenance, and parts available to volunteer drivers in projects serving the elderly.

(c) AOA should disseminate information about volunteer insurance programs to its "aging network."

5. BETTER USE OF EXISTING VEHICLES

(a) Private purchasers of schoolbuses should be permitted an exemption from Federal excise tax if the vehicles are used in publicly supported transportation programs for the elderly.

(b) Congress should enact legislation to permit federally owned vehicles declared "excess" to be used in projects benefitting the elderly.

(c) Congress should reaffirm the power of the Civil Aeronautics Board to permit discount standby air fares for the elderly.

6. IMPROVING VEHICLES AND FACILITIES

(a) UMTA should review forthcoming building design standards to assure that their adoption with regard to transportation facilities will accomplish the goal of maximum accessibility for the elderly and handicapped.

(b) UMTA should undertake an aggressive program to explore possibilities and problems associated with "retrofitting" existing vehicles and facilities to make them more accessible.

(c) DOT should review the forthcoming design standards relating to parking and associated facilities used in high-speed bus systems with a view toward their impact on the elderly.

7. PEDESTRIAN IMPROVEMENTS

The Departments of Transportation and Housing and Urban Development should develop pedestrian standards for federally funded projects.

8. THE "NOT-POOR-ENOUGH" ELDERLY

(a) Congress should exempt older Americans from "means tests" in social service programs except in the most compelling circumstances.

(b) DOT should encourage adoption of the new model taxi ordinance, to help promote shared rides.

(c) UMTA should accelerate its efforts to test shared-ride concepts.

9. STUDY RECOMMENDATIONS

(a) GAO should identify all Federal funds being spent on transportation for the elderly.

(b) AOA should study, and recommend actions to alleviate, transportation problems of the institutionalized elderly.

(c) GAO should recommend to Congress ways in which to promote common locations for delivery of Federal services to the elderly.

(d) AOA should study conflicting age requirements in programs serving the elderly and recommend appropriate changes.

(e) The National Highway Traffic Safety Administration should study State driver licensing procedures to develop ways to eliminate possible discrimination against the elderly.

(f) UMTA should review State and local franchise laws to identify how removal of existing impediments to legitimate special transportation projects can be removed.

PUBLICATIONS OF THE SUBCOMMITTEE ON FEDERAL, STATE AND
COMMUNITY SERVICES

94th Congress—1975-1976

- "Problems of the Elderly in Hawaii (Part 1—Maui County)"
Hearings held in Kaunakaki, Molokai, and Kahului, Maui, on November 22 and 25, 1975
- "Problems of the Elderly in Hawaii (Part 2—Hawaii County)"
Hearing held in Hilo, Hawaii, on November 24, 1975
- "Problems of the Elderly in Hawaii (Part 3—Honolulu County)"
Hearings held in Honolulu and Waipahu, Hawaii, on November 26, 1975
- "Problems of the Elderly in Hawaii (Part 4—Kauai County)"
Hearing held on Kauai on November 28, 1975
- "Senior Citizen Internship Program"
Report, January 1976
- "Confidence Games Against the Elderly"
Hearing held in New York, N.Y., on January 13, 1976
- "Transportation: Improving Mobility for Older Americans"
Hearings held in Washington, D.C., on January 22 and 29, and February 5, 1976
- "Transportation: Improving Mobility for Older Americans (Part II)"
Hearings held in Whiting, N.J., on February 12, 1976; and Derby, Conn., on March 12, 1976
- "Preventive Health Care for the Elderly"
Joint hearing held by the Subcommittees on Health and Long-Term Care and on Federal, State, and Community Services in Washington, D.C., on April 14, 1976
- "Senior Transportation: Ticket to Dignity"
Report, May 20, 1976

APPENDIXES

APPENDIX I

[Note: Although obviously compiled after calendar year 1976, this CRS document summarizes the most up to date information about legislative developments in the field of aging available when this report went to press. A summary of legislative action completed during the 94th Congress appears as Appendix II to this report.]



THE LIBRARY OF CONGRESS
Congressional Research Service

WASHINGTON, D.C. 20540

LEGISLATION IN THE 95TH CONGRESS RELATING TO THE ELDERLY

This report discusses briefly selected legislation introduced in the 95th Congress relating to the elderly. The bills identified are representative of those proposals before Congress and cover the areas of health care, housing and energy, income maintenance, mandatory retirement, social services and transportation. Similar or identical bills to those cited also may have been introduced this Congress.

In addition, the paper discusses issues rather than selected bills relating to social security. There are numerous proposals before Congress which would modify the social security system but few are expected to be considered by Congressional committees in the immediate future. Some issues relating to health care also are discussed.

Table of Contents

	Page
Health Care.....	1
Housing and Energy.....	3
Income Maintenance.....	5
Consumer Price Index for the Elderly.....	5
Food Stamps.....	5
Social Security.....	9
Supplementary Security Income.....	10
Tax Credit.....	11
Mandatory Retirement -- Age Discrimination.....	11
Social Services.....	12
Transportation.....	15
White House Conference.....	16

Health Care

Many bills before Congress address health care issues affecting the elderly such as: amending medicare to provide for coverage of catastrophic health care costs; amending medicare to provide for coverage of eyeglasses, hearing aids, out-of-hospital prescription drugs, and increased coverage of home health care services; reorganizing the medicare and medicaid programs to guard against and eliminate fraud, abuse, and waste; and providing for improved health care services in rural areas. Two selected health care bills follow:

Medicare Long-Term Care Act of 1977 -- H.R. 2029

Would amend the medicare program to establish a long-term care program for persons enrolled in such a program. Services provided would consist of home health services, homemaker services, nutrition services, long-term care institutional care services, day care and foster home care services, and community mental health center outpatient services. Services would be financed, in part, through premiums paid by eligible participants. They also would be financed by States contributing 10 percent of program costs with the balance paid from Federal general revenues.

The program would be implemented through a new State long-term care agency which would establish community long-term care centers. These centers would act as the coordinator and paying agency for the program as well as an information and referral center for long-term care services.

Status: Introduced by Mr. Conable and 18 co-sponsors on February 7, 1977.
Referred to the Committees on Ways and Means and Interstate and Foreign Commerce.

CRS-3

National Home Health Care Act -- H.R. 453

Would revise the medicare program, the Part A--Hospital Insurance program and Part B--Supplementary Medical Insurance program, to broaden coverage of home health services. Would also revise the Program of Grants to States for Medical Assistance (medicaid) to require the inclusion of home health services as part of a State's medicaid program. In addition, it would revise the medicaid program to permit federally assisted rent payments for elderly and handicapped individuals who would otherwise require nursing home care.

Status: Introduced by Mr. Koch and one co-sponsor on January 6, 1977.
Referred to the Committees on Ways and Means and Interstate and Foreign Commerce.

Housing and EnergySupplemental Housing Authorization Act of 1977 -- H.R. 3843

Among other provisions this legislation would extend the authorization for new construction under the section 8 rent supplement program. Under the section 8 program, funds are made available to subsidize the rent down to 15-25 percent of the family's income for low-income tenants. Multifamily housing for the elderly under section 8 may be constructed by private developers who first enter into agreements with local housing authorities to lease their units to older people qualifying for section 8 rent supplements. This legislation, therefore, might provide for more housing units for older persons.

Status: Introduced by Mr. Ashley on February 23, 1977. Referred to the Committee on Banking, Finance and Urban Affairs. Reported March 4, 1977 (H. Rept. 95-43). Passed by the House March 10, 1977.

CRS-4

Commission on Elderly Housing -- H.J. Res. 129

Would establish a National Commission on Housing for the Elderly to study present Federal housing programs and the need for additional housing and community facilities and services. The commission would be required to make a report to the President and Congress within 18 months after enactment.

Status: Introduced by Mr. Hannaford on January 11, 1977. Referred to the Committee on Banking, Finance and Urban Affairs.

Care Consumer Protection Act of H.R. 3232

This legislation would regulate some contracts where an individual pays set fees and/or provides assets to a long-term care institution or congregate homes in exchange for specified services. Specifically the proposal would require a legal agreement referred to as a "continuing care contract" before federally assisted institutions and organizations could require from aged individuals the transfer of property or cash payments in addition to or in lieu of the institution's regular periodic charges for services rendered. The agreement would set forth in detail the rights and obligations of the institution and the individual with respect to care and services rendered.

Status: Introduced by Mr. Cohen and 16 co-sponsors on February 8, 1977. Referred to the Committees on Ways and Means and Interstate and Foreign Commerce.

CRS-5

Housing Assistance H.R. 3238 (see p. 10)Energy Stamps H.R. 4498

Would authorize grants to States for providing stamps to low-income households to help these households reduce residential utility costs. Eligible households would receive, on a monthly basis, a coupon allotment in an amount equal to 30 percent of the household's utility costs for the month.

Status: Introduced by Mr. Duncan and one co-sponsor on March 4, 1977.
Referred to the Committee on Interstate and Foreign Commerce.

Income MaintenanceConsumer Price Index for the Elderly -- H.R. 4761

Would provide for a monthly publication of a consumer price index for the elderly to reflect the retail prices of items purchased by persons 62 and older. Would also provide for studies to determine the feasibility of using this index for cost-of-living adjustments in certain Federal programs such as social security and civil service retirement benefits.

Status: Introduced by Mr. Roybal on March 9, 1977. Referred to the Committee on Education and Labor.

Food Stamp Act

Without Congressional action, the authorization of appropriations for the present Food Stamp Program will expire on September 30, 1977. As a result of this and various proposals for reform of the program, both the Senate and House of Representatives are taking action on an extension of the program and reform of food stamp legislation.

Senate Action. The farm bill reported by the Senate Agriculture Committee is expected to significantly limit eligibility for food stamps and drop over 1 million current recipients from the program. At the same time, it will: (1) make access to the program easier for eligible households by eliminating the requirement that food stamp recipients pay a "purchase requirement" in order to obtain their allotments; and (2) reduce benefits for higher income recipients and increase benefits (or hold them stable) for lower income recipients, by standardizing benefit determinations and eliminating most so-called "itemized" deductions.

S. 275, as amended by the Committee, limits eligibility to households with net incomes below the poverty level (presently, \$248 a month for 1-person households and \$328 a month for 2-person households). However, in actually computing net monthly income for eligibility and benefit determinations, each household would be allowed a limited set of deductions off their gross income (replacing the set of relatively unlimited "itemized" deductions now allowed)--

- (1) a "standard" deduction of \$60 a month for all households, regardless of status or size (although this amount would be varied for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam);
- (2) an additional "earned income" deduction, for all households with earnings, equal to 20 percent of any earned income (in order to compensate for taxes, payroll withholdings, and work-expenses);
- (3) an additional "dependent care" deduction for the actual cost of dependent care (up to \$85 a month), when related to work;
- (4) an additional "excess shelter expense" deduction for all shelter costs in excess of 50 percent of a household's income (after all other deductions), up to \$75 a month.

Thus, a retired elderly 1-person household could have a gross income of up to \$308 a month (\$248 plus \$60), or \$383 a month (\$248, plus \$60, plus \$75) if it had excessively high shelter costs, and be eligible for a minimum benefit

CRS-7

(\$10 a month). Similarly, elderly couples could have gross incomes well above the \$328-a-month net income limit and still be eligible. If employed, an elderly household would benefit from the deductions for earned income (and, possibly, dependent care) and could have a higher gross income and still be eligible.

In terms of benefits, S. 275, as amended by the Committee, retains the existing method of setting food stamp allotments, but changes the procedure for determining benefits and eliminates the purchase requirement. Under the bill, all recipients would receive their food stamp allotment reduced by 30 percent of their net (after deductions) income.

The net effect of these changes in the benefit structure is to (1) ease access to the program (no purchase requirement), (2) reduce benefits to those who now claim relatively large deductions and/or are charged low percentages of their income as a purchase requirement, and (3) increase benefits to those who now claim relatively small deductions.

Provisions that specifically affect the elderly include--

- (1) elimination of "automatic" food stamp eligibility for SSI recipients (SSI recipients would have to meet regular income and assets tests);
- (2) permission for so-called "cash-out" States (presently, California and Massachusetts) to continue to substitute increased cash SSI payments in lieu of food stamp eligibility for SSI recipients;
- (3) permissive authority for new rules allowing SSI and Social Security recipients to apply for food stamps at Social Security offices;
- (4) elimination of the work registration requirement for food stamp recipients age 60 or over (vs. the existing cut-off at age 65);
- (5) a mandatory minimum benefit for 1- and 2-person households (\$10 a month);
- (6) authority for pilot projects to test ways of improving food stamp outreach for the rural elderly;

CRS-8

- (7) authority for Federal rules to set convenient points and hours of certification and issuance; and
- (8) mandatory 1-year eligibility certification for low-income elderly living on stable incomes (with a requirement that they report changes in income).

In addition, the changes in the benefit determination rules could have some specific effects on elderly households. To the extent that elderly food stamp households now claim more than \$60 a month in deductions for expenses other than shelter expenses (for example, for medical costs), they could lose benefits since the bill calls for a flat \$60-a-month standard deduction. To the extent that elderly food stamp households are small (1- and 2-person) households, they could lose some benefits due to the fact that small household purchase requirements under the present program are usually well under the 30 percent "benefit reduction rate" established in the bill (as a replacement for the purchase requirement). However, it is expected that the fact that participating households would not have to pay a purchase requirement (and thus have cash income freed up) will ameliorate these benefit losses, and those experienced by other participants.

House Action. The Committee-reported extension of the Food Stamp Program's appropriations authorization includes authority for a demonstration project to test out payment of food stamp benefits in cash—to eligible households whose members are all either age 65 or over, or entitled to SSI benefits.

Substantive reforms in food stamp legislation have not yet been acted on by the full House Agriculture Committee.

Status: On May 16, 1977, the Senate Committee on Agriculture, Nutrition, and Forestry reported its 1977 omnibus farm bill--S. 275, as amended by the Committee. Title XII of this bill contains an extension of the program and major revisions in food stamp legislation.

Also, on May 16, 1977, the House Committee on Agriculture reported its 1977 omnibus farm bill--H.R. 7171. Title XII of this bill contains an extension of the authorization of appropriations for food stamps and provisions authorizing research and demonstration projects. In addition, the House Agriculture Committee is proceeding to consider major revisions in food stamp legislation and expects to add whatever major revisions are decided on to its farm bill.

Social Security

There are numerous legislative proposals before Congress to amend the Social Security program through which benefits are paid to retired workers and their families. Congressional action with respect to these proposals are uncertain. Many involve significant costs and may not be affordable in light of the present financial condition of the social security trust funds.

Issues regarding social security include the following:

- Liberalizing the retirement test: Many proposals have been made to either eliminate or substantially raise the restriction on the amount an individual can earn and still retain his social security benefits. Currently, a working beneficiary under the age of 72 loses \$1.00 in social security benefits for every \$2.00 earned above \$3,000 a year.
- Lowering the age at which benefits are payable to widows. Full benefits now are payable at age 65 and reduced benefits at age 60.
- Lowering the age at which full and reduced benefits are payable to retired workers. Full benefits now are paid at age 65 and reduced benefits are paid at age 62.
- Increasing the frequency of cost-of-living adjustments. Under current law, benefits are increased automatically each June whenever

CRS-10

the Consumer Price Index rises at least 3 percent or more from the preceding year.

—Using new methods to finance the social security system.

Supplementary Security Income (SSI) - Public Assistance Amendments of 1977 --
H.R. 7200

Contains numerous amendments related to the Supplementary Security Income program (SSI) (income for aged, blind and disabled persons) including an extension of the existing provisions of the law governing food stamp eligibility of SSI recipients to October 1, 1978. Under this provision, SSI recipients in all States except California and Massachusetts are eligible for food stamps. In California and Massachusetts, SSI recipients receive increased State supplementary payments in lieu of food stamps.

In addition, this legislation would exclude from countable income certain gifts and inheritances not readily convertible to cash. Also, it would increase payments for persons with an emergency need and presumptively eligible for benefits while they are awaiting an official determination. It also would provide for a monthly rather than quarterly determination of need.

It also would provide that the reduction to \$25 per month applicable to persons in medicaid institutions will occur after 3 full months of institutionalization, rather than 1 full month, as under current law. The \$25 payments would be adjusted based on changes in the cost-of-living.

In addition, it would provide for the exclusion of income based on need provided by charitable organizations. Also it would provide that separated couples be treated as 2 individuals after 1 month of separation, instead of 6 months as in current law.

CRS-11

Status: Hearings held on the SSI program May 2 - 5, 1977.
H.R. 7200 introduced by Mr. Corman and 1 co-sponsor on May 16, 1977. Reported by the Subcommittee on Public Assistance to the full committee on Ways and means on May 16, 1977.

The Tax Reduction and Simplification Act of 1977 -- S. 6588

Included among the provisions of this Act is one which would provide for a \$250 per year credit to individuals who maintain an elderly dependent in their homes.

Status: Introduced as a floor amendment by Mr. Domenici and passed by the Senate on April 27, 1977.

Housing Assistance -- H.R. 3238

Would amend the Older Americans Act to add a new title VIII for providing housing assistance through income tax credits and refunds for certain persons age 60 and older who own or rent their homes. Grants would be made to States which in turn would provide a credit against a person's personal income tax or real property tax, with appropriate adjustments made for renters. A cash payment could be made in lieu of a credit.

Status: Introduced by Mr. Downey on February 8, 1977. Referred to the Committee on Education and Labor.

Mandatory Retirement -- Age Discrimination

Age Discrimination in Employment Act Amendments -- H.R. 65

Would provide for the elimination of all references to prescribed upper age limits in the Age Discrimination Act of 1967, as amended. Under current law, persons from ages 40 through 64 are protected from discrimination in employment.

CRS-12

Status: Introduced by Mr. Findley and 25-co-sponsors on January 4, 1977, Referred to the Committee on Education and Labor. Hearings held by the Committee on Education and Labor June 2, 1977.

Age Discrimination in Employment Act Amendments -- H.R. 1115

Would eliminate the upper and lower age limits of 40 and 65 in the Age Discrimination in Employment Act for Federal employees.

Status: Introduced by Mr. Pepper on January 4, 1977. Referred to the Committee on Education and Labor. Hearings held by the Committee on Education and Labor June 2, 1977.

Amendments to the Age Discrimination Act -- H.R. 6668

Would amend the Age Discrimination Act of 1975 to extend through fiscal year 1978 the date upon which the U.S. Civil Rights Commission is required to file its report on the study authorized under the Older Americans Act of 1975. This study will address the causes, nature and extent of age discrimination in federally assisted programs.

Status: Introduced by Mr. Brademas on April 27, 1977. Referred to the Committee on Education and Labor. Reported May 6, 1977 (H. Rept. 95-267).

Social ServicesNational Meals-on-Wheels Program -- S. 519

Would amend title VII of the Older Americans Act to provide a national meals-on-wheels program for home-bound elderly aged 60 and older as well as for the blind, and disabled. Meals would be delivered to homes of eligible persons at least 5 days a week and grantees could elect to serve meals on weekends. In addition, the bill would require the Commissioner on Aging to conduct a demonstration project involving at least three States to determine the feasibility of

CRS-13

using the meals system designed by the National Aeronautics and Space Administration when the regular home meals-on-wheels program is not practicable or feasible.

Status: Introduced by Mr. McGovern and 24 co-sponsors on January 31, 1977. Referred to the Committee on Labor and Public Welfare.
Hearings held by Senate Committee on Human Resources May 13, 1977.

National Meals-on-Wheels Program -- S. 1283

Similar to bill above (S. 519) but it would provide meals only for the elderly and would not include the NASA study.

Status: Introduced by Mr. Kennedy on April 7, 1977. Referred to the Committee on Human Resources. Hearings held May 13, 1977.

National Meals-on-Wheels Program -- H.R. 3003

Referred to the Committee on Education and Labor. Similar to S. 519.

Status: Introduced by Mr. Miller on February 2, 1977.

Older Person's Comprehensive Counseling Assistance Act of 1977 -- H.R. 1118

Would amend the Older Americans Act and the Public Health Services Act to provide grants to States for counseling services for the elderly sick and disabled. Funds also would be authorized for counselor training and retraining. Moreover, funds would be authorized for demonstration and evaluation programs in identifying further needs for counseling services, and for developing model counseling programs.

Status: Introduced by Mr. Pepper on January 4, 1977. Referred to the Committee on Education and Labor.

CRS-14

Older Americans Education and Employment Act -- H.R. 2488

Would establish a program of reduced tuition rates to encourage older Americans to attend institutions of higher education. It also would establish a program to acquire data relating to employment opportunities for older people, and establish a job data bank and the listing of all suitable employment openings with local offices of the State employment service by Federal contractors.

Status: Introduced by Mr. Rangel on January 26, 1977. Referred to the Committee on Education and Labor.

Housing Security -- H.R. 1170

Would provide funding for public housing agencies to provide safety systems and other security measures in public housing projects.

Status: Introduced by Mr. Richmond on January 4, 1977. Referred to the Committee on Banking, Finance and Urban Affairs.

Omnibus Crime Control and Safe Streets Act Amendments -- H.R. 1579

Would amend the Omnibus Crime Control and Safe Streets Act of 1968 to add a requirement that the comprehensive State plan required under the Act include provisions for attention to the special problems of prevention, treatment, and other aspects of crime against the elderly.

Status: Introduced by Mr. Eilberg on January 10, 1977. Referred to the Committee on the Judiciary.

CRS-15

TransportationReduced Air Fare for the Elderly -- H.R. 27

Would amend the Federal Aviation Act of 1958 to authorize reduced airline fares on a space-available basis for those who are: (1) aged 60 and older and retired, (2) aged 65 and older, or (3) handicapped. Also, it would direct the Civil Aeronautics Board to conduct a study on the feasibility of extending reduced air transportation for persons aged 21 and younger.

Status: Introduced by Mr. Anderson on January 4, 1977. Referred to the Committee on Commerce, Science, and Transportation. Passed the House on February 22, 1977. Referred to the Senate Committee on Commerce.

National Mass Transportation Assistance Act of 1977 -- S. 208

Would amend the Urban Mass Transportation Act of 1964 to extend the authorization for grant and loan assistance to State and local governments. Funds would be used in financing the acquisition of equipment and operating expenses for mass transportation services in urban areas. It also would provide that mass transit facilities and services be designed for effective utilization by the elderly and handicapped. In addition, S. 208 would authorize grants to States, localities and private nonprofit organizations specifically for meeting the transportation needs of the elderly and handicapped. Funds also would be authorized for demonstration projects for improving transportation to the elderly and handicapped.

Status: Introduced by Mr. Williams and one co-sponsor on January 12, 1977. Referred to the Committee on Banking, Housing, and Urban Affairs.

CRS-16

White House ConferenceWhite House Conference on Aging - H.J. Res. 428 -- S.J. Res. 48

Would authorize the President to call a 1981 White House Conference on Aging. It requires the development of recommendations and plans for meeting the needs of older people through a joint effort among the Federal Government, the States and individuals. (Previous White Conferences on Aging were held in 1961 and 1971).

Status: H.J. Res. 428 introduced by Mr. Brademas on May 2, 1977.* Referred to the Committee on Education and Labor. S.J. Res. 48 introduced by Mr. Eagleton on May 4, 1977, and referred to the Committee on Human Resources.

Evelyn Tager
Education and Public Welfare Division
June 2, 1977

* Committee note: also introduced as H.J. Res. 452 by Mr. Pepper

APPENDIX II

CRS
CRS
CRS
CRS
CRS
CRS
CRS
CRS
CRS
CRS
CRS
CRS

HD 7106 A

76-196 ED

LEGISLATION IN THE 94TH
CONGRESS AFFECTING THE
ELDERLY: ENACTED AND
INTRODUCEDEVELYN TAGER
Analyst in Social Legislation
Education and Public Welfare Division

October 28, 1976

CONGRESSIONAL RESEARCH SERVICE

LIBRARY OF CONGRESS

CRS

The Congressional Research Service works exclusively for the Congress, conducting research, analyzing legislation, and providing information at the request of Committees, Members and their staffs.

The Service makes such research available, without partisan bias, in many forms including studies, reports, compilations, digests, and background briefings. Upon request, the CRS assists Committees in analyzing legislative proposals and issues, and in assessing the possible effects of these proposals and their alternatives. The Service's senior specialists and subject analysts are also available for personal consultations in their respective fields of expertise.

TABLE OF CONTENTS

	<u>Page</u>
 <u>ENACTED LEGISLATION</u>	
Legislation Concerning Food Stamps (Public Law 94-4, Public Law 94-44, Public Law 94-356 and Public Law 94-379)	1
Health Services Act (Public Law 94-63 and Public Law 94-460)	1
Older Americans Amendments of 1975 (Public Law 94-135).....	2
Age Discrimination Act of 1975	4
Amendments to Title XVIII of the Social Security Act (Public Law 94-182)..	4
Equal Credit Opportunity Act Amendments (Public Law 94-239)	4
The Housing Authorization Act of 1976 (Public Law 94-375).....	5
Amendments to Title XX of the Social Security Act (Public Law 94-401).....	5
The Tax Reform Act of 1976 (Public Law 94-455).....	5
Supplemental Security Income (SSI) Amendments (Public Law 94-566, Public Law 94-569, and Public Law 94-585).....	6
Fiscal Assistance Amendments of 1976 (Revenue Sharing) (Public Law 94-488)	7
Crime Control Act of 1976 (Public Law 94-503).....	7
 <u>PENDING LEGISLATION</u>	
<u>Income Maintenance</u>	
Proposal Relating to Social Security Benefits Increases -- S. 445.....	7
Consumer Price Index for the Elderly -- H.R. 1241.....	8
Older Americans Assistance Act -- H.R. 3523 (Property Tax Relief).....	8
Proposal Relating to Social Security Benefits for Divorced Women -- H.R. 7158.....	8
Food Stamp Reform.....	9
 <u>Health Care</u>	
Community Chronicare Center Demonstration Act of 1975 -- S. 343.....	13
Food, Drug and Cosmetic Act Amendments -- H.R. 3545.....	13
The Comprehensive Medicare Reform Act of 1975 -- S. 1456.....	13
National Home Health Care Act -- H.R. 4774.....	14
Legislation Relating to Long Term Care.....	14
Medicare Long-Term Care Act of 1975 -- H.R. 2268.....	15
Long-Term Care Amendments of 1975 -- S. 2702.....	15
 <u>Social Services</u>	
National Meals-on-Wheels Act of 1976 -- S. 3585.....	16
 <u>Transportation</u>	
Reduced Air Fares -- H.R. 15026.....	16
Urban Mass Transportation Act of 1964 Amendments -- H.R. 3155.....	16
Urban Mass Transportation Act of 1964 Amendments -- S. 662.....	17
 -ii-	
	<u>Page</u>
 <u>Age Discrimination and Consumer Protection</u>	
H.R. 940.....	17
Age Discrimination in Employment Act Amendments -- S. 2588	17
Age Discrimination in Employment Act Amendments -- H.R. 14879.....	18
Omnibus Crime Control and Safe Streets Act Amendments -- S. 1875	
Consumer Protection Act -- S. 200 and H.R. 7575.....	18

LEGISLATION IN THE 94TH CONGRESS RELATING TO THE ELDERLY

Following is a brief summary of selected legislation introduced in the 94th Congress that affects the elderly in the area of income maintenance, health care, social services, transportation, age discrimination and housing. The bills selected for this paper are representative of the kinds of bills introduced during the session. A similar or identical bill also may have been introduced by sponsors not cited in the report.

ENACTED LEGISLATIONLegislation Concerning Food Stamps (Public Law 94-4, Public Law 94-44, Public Law 94-365, and Public Law 94-379)

On January 17, 1975, the Administration issued regulations that would have increased the purchase price of food stamps for most recipients starting March 1, 1975. The regulations would have required food stamp recipients to pay a flat 30 percent of their net income for their food stamp allotment, the maximum permissible under the Food Stamp Act of 1964. P.L. 94-4 was passed by Congress to prohibit an increase in charges for food stamps through December 1975.

P.L. 94-44, enacted June 28, 1975, extended until July 1, 1976, the food stamp provisions of P.L. 93-233, allowing New York, Massachusetts, California, Wisconsin, and Nevada to give cash instead of food stamps to Supplemental Security Income (SSI) recipients.

P.L. 94-365 and P.L. 94-379 extended, into 1977, the authority for California and Massachusetts to give cash instead of food stamps to SSI recipients.

Health Services Act (Public Law 94-63 and Public Law 94-460)

Included in P.L. 94-63 are provisions authorizing demonstration grants for home health care services. The Public Health Service Act is amended to authorize \$8 million in fiscal year 1976 for the initial costs of establishing and operating home health agencies in areas where home health services are not available, and to expand services provided by existing agencies. The Secretary of Health, Education and Welfare is required to give preference in awarding grants to communities with high concentrations of elderly and/or medically indigent individuals in need of home health services.

The legislation also authorizes demonstration grants of \$2 million in fiscal year 1976 for training professional and paraprofessional personnel in the provision of home health care. These demonstration grants are intended to stimulate the growth and expansion of home health services and to determine their cost effectiveness and efficiency. Public Law 94-460 extends this program through FY 1977.

Also included in Public Law 94-63 are provisions which require the Secretary of Health, Education and Welfare to establish a temporary nine-member Committee on Mental Health and Illness of the Elderly. The Committee is required to undertake a study and make recommendations concerning the future needs for mental health facilities, manpower, research and training to meet the mental health care needs of elderly persons; and to determine appropriate care for elderly persons in or discharged from mental institutions. Public Law 94-460 permits the Committee an additional year to submit its report. Additional time is allowed because the nine Committee members were named by the Administration less than two months before the deadline date for completing the report.

Older Americans Amendments of 1975 (Public Law 94-135)

Provisions under the Older Americans Act of 1965, as amended, were extended through fiscal year 1978. These provisions include the title II National Information and Resource Clearing House for the Aging; the title III program of grants for State and community social service programs for the elderly and model projects; the title IV programs of grants for research and training in the field of aging; most of the title V program of grants for multipurpose senior centers; and the title VII nutrition program for the elderly.

The title III program of grants for State and community programs was further amended to require that States spend a specified amount allotted to them for area planning and social services in 4 priority areas -- transportation, home services, legal and other counseling services, and home repair and renovation programs. In

these priority areas States must spend 50 percent of the increased funds allotted to them for area planning and social services, over and above the FY 1975 funding level, or one third of their total FY 1976 allotment, and 20 percent of their allotment for these purposes in FY 1977 and thereafter. Title III also is amended to encourage States to service older Indians equitably with other groups by providing for direct funding for Indian tribes if not "equivalently" served by any State.

In addition the 1975 amendments add title IX to the Older Americans Act which is Community Service Employment for Older Americans. This program which first was authorized in 1973 and administered by the Department of Labor provides part-time employment opportunities in community service activities for low-income persons aged 55 and older. The amended Older Americans Community Service Employment program incorporates into title IX the national older worker programs such as Operation Mainstream previously funded under title III of the Comprehensive Employment and Training Act. Funds are reserved at the FY 1975 funding level for programs sponsored by national contractors such as the National Farmers Union which administers Operation Mainstream -- an employment program primarily in rural areas. The remaining funds authorized under title IX are distributed for use in States based on their population aged 55 and over and their per capita income.

In addition, these amendments extend through fiscal year 1978 the foster grandparent program and the retired senior volunteer program administered by Action as well as the senior opportunities and services program administered by the Community Services Administration.

They also extend the program which authorizes funds for education projects for elderly persons not fluent in the English language; and the program through which funds are awarded to institutions of higher education for programs and projects relating to problems of the elderly. Both of these programs first were authorized in 1973.

CRS-4

Age Discrimination Act of 1975 - Public Law 94-135 also authorized an Act which generally prohibits unreasonable discrimination based on age in programs or activities receiving Federal financial assistance. To implement this program, the Commission on Civil Rights will conduct a study of such discrimination and submit its findings and recommendations to Congress and the President. Then the Secretary of Health, Education, and Welfare will publish regulations to implement this Act, followed by specific regulations prohibiting age discrimination to be written by Federal departments and agencies providing Federal assistance. These regulations must become effective by January 1, 1979.

Amendments to Title XVIII of the Social Security Act (Public Law 94-182)

A provision passed by the 93rd Congress (P.L. 93-233) which modified the social security cash benefit provisions, unintentionally failed to make changes allowing for annual changes in part B Medicare premiums. P.L. 94-182 corrected this error and permits adjustments in part B premiums on July 1, 1976, and in future years as intended by Congress. Any increases in the premium, however, cannot be at a greater rate than the percentage rate of increase in cash social security benefits.

Equal Credit Opportunity Act Amendments (Public Law 94-239)

Prohibits discrimination in the granting of credit on the basis of race, color, religion, national origin, age, or receipt of public assistance. Creditors are required to notify an applicant of their decision on his application within thirty days. This notification must include specific reasons for denial or revocation of credit. (Small creditors who act on less than 150 applications per year are not required to provide written explanations). Applicants who are discriminated against

must bring action against the creditor within two years of the discrimination act. Title V of the Equal Opportunity Act enacted in 1973 (P.L. 93-459) barred discrimination on the basis of sex and marital status.

The Housing Authorization Act of 1976 (Public Law 94-375)

Included in this legislation are amendments to the Section 202 Program (authorized under the Housing Act of 1959, as amended) through which direct loans are made available through a revolving loan fund to private nonprofit sponsors for multifamily housing for persons aged 62 and over. This legislation increased the authorization level for the revolving loan fund from \$800 million to \$2.5 billion in fiscal year 1977 and \$3.3 billion for fiscal years 1978 and 1979.

Amendments to Title XX of the Social Security Act (Public Law 94-401)

These amendments permit States to determine eligibility for social services on a group basis. The group will have to be such that the State can reasonably conclude that substantially all members of the group have incomes below 90 percent of the State's median income.

Prior law specified that each person receiving title XX services had to be certified as eligible through an individual income eligibility determination.

The Tax Reform Act of 1976 (Public Law 94-455)

Included among the provisions of this Act are those which amend the retirement income credit. Effective for tax year 1976, the retirement income credit will be changed to a general tax credit for senior citizens. The credit is available to people 65 and older regardless of whether they receive retirement income or earned income. A 15 percent credit can be claimed on \$2,500 of income (\$375 maximum credit) unless both spouses are aged 65 or over, in which case the credit can be claimed on \$3,750 of income (\$562 maximum credit).

CRS-6

This credit will be reduced on account of social security benefits and eliminated if social security benefits equal \$2,500 or more. The credit will also be reduced if the individual has adjusted gross income over a certain level -- and completely eliminated if adjusted gross income of a single person reaches \$12,500 and of a married couple reaches \$17,500.

The 1976 tax reform Act also addresses the sale of an elderly person's principal residence. If an individual aged 65 and over sells his residence, he may exclude from his income tax, the entire gain on the sale of the adjusted sales price up to \$35,000. Under prior law, an elderly person could exclude up to \$20,000.

Supplemental Security Income (SSI) Amendments (Public Law 94-566, Public Law 94-569 and Public Law 94-585)

The amendments require that when one member of a couple is in an institution, the two are treated as individuals rather than as a couple for purposes of applying their separate incomes in computing any required deduction of the SSI benefit amount. Also, the legislation provides that SSI recipients are prevented from losing medicaid eligibility solely because of future cost-of-living increases in social security benefits.

In addition, the amendments provide for a "pass-through" of SSI benefits for certain (hold-harmless) States. States receiving hold-harmless funds (Hawaii, Massachusetts, Wisconsin) will no longer have the amount of such funds reduced when a cost-of-living increase in SSI benefits becomes effective. Such States will thus be allowed to pass along the increase in Federal SSI benefits without additional State cost. This provision is limited to the cost-of-living increases which will occur in 1977 and 1978.

They also will eliminate the Secretary's authority to set a limit on the value of a home which may be owned by SSI recipients.

Another amendment requires that States pass-through Federal cost-of-living increases to SSI beneficiaries.

CRS-7

Fiscal Assistance Amendments of 1976 (Revenue Sharing) (Public Law 94-488)

This legislation extends the State and Local Assistance Act of 1972 which provides funds to States and local units of government. Local governments such as cities, counties, and townships may expend these funds to provide eight categories of services, one of which is social services for the poor or elderly. The Act requires public hearings to be held on the allocation of funds. It specifically requires that a State or unit of local government provide senior citizens and their organizations with an opportunity to be heard prior to the final allocation of any funds.

The Act also prohibits discrimination based on age in any program of a State or local unit of government which receives any funds directly or indirectly under the Act.

Crime Control Act of 1976 (Public Law 94-503)

The Act extends through fiscal year 1979 the authority of the Law Enforcement Assistance Administration (LEAA) to provide funds to States to develop crime control programs. Grants also are authorized to States to plan programs designed to reduce the incidence of crimes against the elderly.

PENDING LEGISLATION

Income MaintenanceProposal Relating to Social Security Benefits Increases -- S. 445

Would assure that an individual or family, whose income is increased by reason of a general increase in monthly social security benefits, would not, because of such an increase, suffer a loss or a reduction in the benefits the individual or family has been receiving under certain Federal or federally assisted programs.

Status: Introduced by Mr. Hugh Scott and 7 co-sponsors on January 28, 1975. Referred to the Committee on Finance.

CRS-8

Consumer Price Index for the Elderly -- H.R. 1241

Would require the Secretary of Labor to develop a Consumer Price Index (CPI) for the elderly which would accurately reflect the actual increase in the cost of goods and services purchased by the aged, as opposed to the general CPI which is geared to reflect such increases for urban and clerical workers of all ages. Would require that the CPI for the elderly be utilized to determine cost-of-living increases in social security benefits.

Status: Introduced by Mr. Bingham on January 14, 1975. Referred to the Committee on Ways and Means.

Older Americans Assistance Act -- H.R. 3523 (Property Tax Relief)

Would provide property tax relief to renters and homeowners. Would establish a \$500 million per year trust fund within the U.S. Treasury from which each State would be allocated a specified amount for the financial support of property tax relief programs for the elderly.

Status: Introduced by Mr. Heinz on February 20, 1975. Referred to the Committee on Ways and Means.

Proposal Relating to Social Security Benefits for Divorced Women -- H.R. 7158

Would reduce from 20 to 10 the number of years a divorced woman would have to have been married to an insured individual to qualify for wife's or widow's benefit under social security.

Status: Introduced by Mr. Koch on May 21, 1975. Referred to the Committee on Ways and Means.

Food Stamp Reform

Status. On April 8, 1976, the Senate approved an amended food stamp reform bill (S. 3136) and sent it to the House for consideration. After several months of consideration, the House Committee on Agriculture reported its own food stamp reform bill (H.R. 13613, as amended in Committee) on September 1, 1976.

However, due to the last-minute press of legislation before adjournment, the House Committee bill was not considered on the House floor and, as a result, there was no major food stamp reform legislation enacted in the 94th Congress.

Senate Action. The Senate-approved bill (S. 3136) is anticipated to reduce the number of food stamp recipients by between 1 and 1.5 million persons, while increasing benefits for lower-income recipients and holding benefits stable or decreasing them for higher-income recipients. In addition, the Senate bill tends to redistribute benefits toward smaller-size and elderly households.

S. 3136 limits eligibility to households with net incomes below the poverty levels (\$233 a month for 1-person households; \$308 a month for 2-person households). However, in computing net income, households would be allowed a limited set of deductions off their gross income (replacing the set of relatively unlimited "itemized" deductions now allowed) --

- (1) a "standard" deduction of \$100 a month for all households, regardless of status or size;
- (2) an additional \$25 a month for households with 1 or more members age 60 or over;
- (3) an additional \$25 a month for households with earned income of at least \$150 a month; and
- (4) all Federal, State, and local income taxes and social security taxes.

Thus, a retired elderly 1-person household could have a gross income of up to \$358 a month (\$233, plus \$100, plus \$25) and be eligible for a minimum benefit (\$10 a month). A retired elderly 2-person household could have a gross income of up to \$433 a month (\$308, plus \$100, plus \$25) and be eligible for a minimum benefit (\$10 a month). If employed, an elderly household could have an even larger gross income and still qualify for food stamps.

The Senate-approved bill also freezes the existing eligibility rules governing the assets allowed food stamp recipients until after a study of the assets holdings of food stamp recipients has been submitted to the Congress.

In terms of benefits, S. 3136 retains the existing method of setting food stamp allotments but changes the procedure for determining purchase prices to be charged recipients. Under the bill, all recipients would pay a flat 25 percent of their net (after deductions) income as their purchase price.

Provisions which specifically affect the elderly include --

- (1) elimination of "automatic" food stamp eligibility for SSI recipients (SSI recipients would have to meet regular income and assets tests);
- (2) permission for so-called "cash-out" States to continue to substitute an increased cash SSI payment in lieu of food stamp eligibility for SSI recipients;
- (3) permissive authority for new rules allowing SSI recipients to apply for food stamps at SSI offices;
- (4) elimination of the work registration requirement for food stamp recipients age 60 or over (vs. the existing cut-off at age 65); and
- (5) a mandatory minimum benefit for 1- and 2-person households (\$10 a month).

House Action. The House Committee bill (H.R. 13613) is anticipated to reduce the number of food stamp recipients by about 1/4 to 1/2 million persons, while increasing benefits for lower-income recipients and holding benefits stable or decreasing them for higher-income recipients. In addition, the House Committee bill tends to redistribute benefits toward moderate and larger-size households and among regions of the country.

H.R. 13613 limits eligibility to households with net incomes below the poverty levels (\$233 a month for 1-person households; \$308 a month for 2-person households). However, in computing net income, households would be allowed a limited deduction off their gross income (replacing the set of relatively unlimited "itemized" deductions now allowed) --

- (1) "standard" deductions varying by household size from \$45 a month for 1-person households and \$55 a month for 2-person households, to \$85 a month for households of 6 or more;
- (2) an additional \$25 a month for households with 1 or more members age 65 or over or with 1 or more disabled members;
- (3) an additional \$30 a month for households with earned income;
- (4) all Federal, State, and local income taxes and social security taxes; and
- (5) an additional deduction of all "dependent-care" expenses related to employment up to a maximum of \$75 a month.

Thus, a retired elderly 1-person household could have a gross income of up to \$303 a month (\$233, plus \$45, plus \$25) and be eligible for a minimum benefit (\$10 a month). A retired elderly 2-person household could have a gross income of up to \$388 a month (\$308, plus \$55, plus \$25) and be eligible for a minimum benefit. If employed, an elderly household could have an even larger gross income and still qualify for food stamps.

CRS-12

The House Committee bill also establishes a new two-part assets eligibility test. Liquid assets would be limited to \$1,500 per household (\$3,000 per household with 1 or more members age 65 or over). And, total equity in all assets (except the home) would be limited to \$9,000 per household.

In terms of benefits, H.R. 13613 retains the existing method of setting food stamp allotments but changes the procedure for determining purchase prices to be charged recipients. Under the bill, all recipients would pay a flat 27.5 percent of their net (after deductions) income as their purchase price.

Provisions which specifically affect the elderly include --

- (1) elimination of "automatic" food stamp eligibility for SSI recipients (SSI recipients would have to meet regular income and assets tests);
- (2) permission for so-called "cash-out" States to continue to substitute an increased cash SSI payment in lieu of food stamp eligibility for SSI recipients;
- (3) permissive authority for new rules allowing SSI recipients to apply for food stamps at Social Security offices;
- (4) a mandatory minimum benefit for 1- and 2-person households (\$10 a month); and
- (5) elimination of the purchase price for households composed entirely of elderly (age 65 or over) or disabled persons through the establishment of a "nutrition supplement check" procedure under which these households would have their food stamp benefit issued to them in the form of a "nutrition supplement check" (cash) rather than in food stamps.

Health CareCommunity Chronicare Center Demonstration Act of 1975 -- S. 343

Would provide for development and demonstration programs designed to provide health care for the aged and chronically ill by utilizing community chronicare centers. Specifically, it would provide funding for 8 separate projects for the development and demonstration of community-based programs offering a comprehensive range of both institutional and noninstitutional services to chronically ill residents of selected project areas. The chronicare center would serve rural, suburban, and urban target areas currently underserved by long-term health resources.

Status: Introduced by Mr. Humphrey on January 23, 1975. Referred to the Committee on Labor and Public Welfare.

Food, Drug and Cosmetic Act Amendments -- H.R. 3545

Would amend the Federal Food, Drug and Cosmetic Act to require that in the labeling and advertising of drugs sold by prescription, the established or "generic" name of the drug must appear each time the trade name is used.

Status: Introduced by Mr. Rosenthal and 13 co-sponsors on February 21, 1975. Referred to the Committee on Interstate and Foreign Commerce.

The Comprehensive Medicare Reform Act of 1975 -- S. 1456

Would broaden coverage under the Medicare program to provide a comprehensive health insurance program for persons age 65 and older. Would provide income-related catastrophic health insurance, to include unlimited coverage in nursing home, intermediate care facility or hospital, unlimited outpatient hospital coverage, home-health services, dental services, and outpatient prescription drugs, and services of optometrists, podiatrists and chiropractors.

Status: Introduced by Mr. Ribicoff on April 17, 1975. Referred to the Committee on Finance.

National Home Health Care Act -- H.R. 4774

Would revise the Medicare program, the Part A-Hospital Insurance program and Part B-Supplementary Medical Insurance program, to broaden coverage of home health services. Would also revise the Program of Grants to States for Medical Assistance (Medicaid) to require the inclusion of home health services as part of a State's Medicaid program. In addition, it would revise the Medicaid program to permit federally assisted rent payments for elderly and handicapped individuals who would otherwise require nursing home care.

Status: Introduced by Mr. Koch and 24 co-sponsors on March 12, 1975. Referred to the Committee on Ways and Means. Hearings held on national health insurance proposals November 5 through December 5, 1975.

Legislation Relating to Long Term Care

On April 29, 1975 there were 23 bills introduced in the House of Representatives and 33 bills introduced in the Senate relating to broadening nursing home care coverage under Medicare, strengthening nursing home care standards under Medicare and Medicaid, and improving enforcement of Federal regulations and auditing procedures. With respect to the elderly directly, pending legislation would provide for Medicare coverage for nursing home stays without prior hospitalization and for extending coverage to intermediate care facilities. Legislation also would allow income tax deductions for nursing home expenses for nondependent relatives; and permit Medicare reimbursements for small hospitals in rural areas with low occupancy to provide long-term care in areas where no nursing home beds are available. Legislation also would allow States to use supplemental security income (SSI) payments plus a State supplement to provide care for residents in shelter care facilities for the mentally retarded or mentally ill which meet Federal standards.

In addition, legislation would upgrade fire safety standards, require States to establish ombudsman programs and require a specified number of physicians to visit patients once every 30 days as well as other personal services for patients.

Status: H.R. 6466-H.R. 6498 introduced by Mr. Pepper and Mr. Koch on April 29, 1975. Referred to the Committees on Ways and Means and Interstate and Foreign Commerce. S. 1552 and S. 1585 introduced by Mr. Moss and Mr. Percy on April 29, 1975. Referred to the Committees on Finance, Labor and Public Welfare, or Banking, Housing and Urban Affairs, depending on the nature of the bill.

Medicare Long-Term Care Act of 1975 -- H.R. 2268

Would amend the Medicare program to establish a long-term care program for persons enrolled in such a program. Services provided would consist of home health services, homemaker services, nutrition services, long-term care institutional care services, day care and foster home care services, and community mental health center outpatient services. This bill also would establish community long-term care centers and State long-term care agencies as part of a new administrative structure for the organization and delivery of long-term care services. Services would be financed, in part, through premiums paid by eligible participants.

Status: Introduced by Mr. Conable June 25, 1975. Referred to the Committees on Ways and Means, and Interstate and Foreign Commerce.

Long-Term Care Amendments of 1975 -- S. 2702

Would amend the Medicare program to establish a special program of long-term care services for persons eligible for Medicare and for SSI recipients. Benefits would include home health services, homemaker services, nutrition services, long-term institutional care services, day care services, foster home services, and community mental health center outpatient services. In order for these benefits to be available to the residents of each State, the State would have to create Community Long-Term Care Centers and a single State agency to administer the program. The program would be financed in part through premiums paid by eligible participants.

Status: Introduced by Mr. Beall November 20, 1975. Referred to the Committee on Finance.

CRS-16

Social ServicesNational Meals-on-Wheels Act of 1976 -- S. 3585

Would amend title VII of the Older Americans Act to provide a national meals-on-wheels program for home-bound elderly as well as the blind and disabled. Meals would be delivered to homes of eligible persons on at least 5 days a week. Grantees could elect to serve meals on weekends.

Status: Introduced by Mr. McGovern and 3 co-sponsors June 17, 1975. Referred to the Committee on Labor and Public Welfare.

TransportationReduced Air Fares -- H.R. 15026

Would amend the Federal Aviation Act of 1958 to authorize reduced fare transportation on a space available basis for those over 60 years of age and handicapped persons and any attendant required by such handicapped persons. Also, it would require that a study be conducted to determine the feasibility of extending this provision to youth under 21 years of age.

Status: Introduced by Mr. Anderson on August 3, 1976, and referred to the Committee on Public Works and Transportation. Reported September 16, 1976 (H. Rept. 94-1583). Passed the House September 21, 1976. Referred to the Senate Committee on Commerce September 22, 1976. Passed the Senate with amendments September 24, 1976.

Urban Mass Transportation Act of 1964 Amendments -- H.R. 3155

Included among the provisions in this Act is one which would provide mass transportation assistance to meet the needs of elderly and handicapped individuals.

Status: Introduced by Mr. Howard on February 17, 1975. Referred to the Committee on Public Works and Transportation.

Urban Mass Transportation Act of 1964 Amendments -- S. 662

Included among the provisions in this Act are those which would provide mass transit operating assistance in non-urban areas; and provide grants and loans to assist States and local public bodies and nonprofit entities in providing mass transit services to elderly and handicapped persons. It also would establish a National Advisory Council on Accessibility of Mass Transportation and require that at least half of the members be elderly or handicapped individuals.

Status: Introduced by Mr. Williams and 9 co-sponsors on February 11, 1975.

Referred to the Committee on Banking, Housing, and Urban Affairs. Hearings held June 17, 18, and 19, 1975. Reported September 9, 1975. (S. Rept. No. 94-365).

Passed Senate September 15, 1975. Referred to the House Committee on Public Works and Transportation. Hearings held June 2, 1976.

Age Discrimination and Consumer ProtectionH.R. 940

Would add "age" to title VII of the Civil Rights Act which presently prohibits employment discrimination on account of race, color, religion, sex, or national origin.

Status: Introduced by Mr. Roe on January 14, 1975. Referred to the Committee on Education and Labor.

Age Discrimination in Employment Act Amendments -- H.R. 2588

Would eliminate the upper age limit of 65 in the Age Discrimination in Employment Act (ADEA).

Status: Introduced by Mr. Findley and 24 co-sponsors on February 3, 1975. Referred to the Committee on Education and Labor. Hearings held February 9, 1976.

Age Discrimination in Employment Act Amendments -- H.R. 14879

Would eliminate the upper age limit of 65 in the Age Discrimination in Employment Act (ADEA) for Federal employees only.

Status: Introduced by Mr. Pepper on July 27, 1976. Referred to the Committee on Education and Labor. Hearings held September 14, 1976.

Omnibus Crime Control and Safe Streets Act Amendments -- S. 1875

Would amend the Omnibus Crime Control and Safe Streets Act of 1968 to require that comprehensive State plans include provisions for the prevention of crimes against the elderly.

Status: Introduced by Mr. Beall on June 4, 1975. Referred to the Committee on the Judiciary.

Consumer Protection Act -- S. 200 and H.R. 7575

Would establish a Consumer Protection Agency (also called the Agency for Consumer Advocacy) to serve as an advocate for consumer interests in Federal government. The agency would have the right to intervene on behalf of consumers in the formal proceedings and participate in informal proceedings of Federal agencies where consumer interests are affected. The agency also would represent the interests of consumers before Federal courts. For example, the agency could represent consumers when policies and regulations are being established in areas of health, safety and other areas of interest to older people.

Status: S. 200 introduced by Mr. Ribicoff on January 17, 1975. Referred to the Committee on Government Operations. Hearings held between February 20 and March 7, 1975. Reported April 9, 1975 (S. Rept. No. 94-56). Passed the Senate May 15, 1975. H.R. 7575 introduced by Mr. Brooks and 2 co-sponsors. Referred to the Committee on Government Operations. Hearings held June 17, 18, 19, and 20, 1975. Reported July 30, 1975 (H. Rept. No. 94-425). The House passed S. 200 with amendments in lieu of H.R. 7575 on November 6, 1975.

APPENDIX III

Some Programs Benefiting Older Americans Popular Designations

Programs Usually Referred to by TITLE:

- Title II - of the Social Security Act; see OASDI below
- Title III - of the Older Americans Act; provides for state and community programs on aging
- Title IV - of the Older Americans Act; contains three subsections: (a) programs to provide training of persons to work in the aging field; (b) research and demonstration projects in the areas covered by the Act; and (c) program to establish multi-disciplinary centers on gerontology
- Title V - of the Older Americans Act; provides for the development of multi-purpose senior centers
- Title VII - of the Older Americans Act; provides for the nutrition programs for the elderly
- Title IX - of the Older Americans Act; provides for the community service employment
- Title X - of the Public Works and Economic Development Act; provides for the Job Opportunities Program, a portion of which has gone for older worker employment
- Title XVI - of the Social Security Act; see SSI below
- Title XX - of the Social Security Act; provides for variety of social services to benefit principally low-income persons

Programs Usually Referred to by SECTION:

- Section 8 - of the Housing Act of 1937, as amended; provides for a low and moderate income rent subsidy program
- Section 16(b)- of the Urban Mass Transportation Act of 1964; provides authority for capital grants to public and private non-profit agencies for meeting the transportation needs of the elderly and handicapped.
- Section 147 - of the Federal Aid Highway Act, funds public mass transit demonstration projects in rural areas (up to 50,000 population).
- Section 202 - of the Housing Act of 1959, as amended; provides for long-term loan program to non-profit sponsors for the construction and rehabilitation of rental housing for the elderly and handicapped
- Sections 221(d)(3) and 221(d)(4) - of the Housing Act of 1959, as amended; provides for mortgage insurance program on multi-family housing, including the elderly
- Section 231 - of the Housing Act of 1959, as amended; provides for program of mortgage insurance on rental housing for the elderly and handicapped
- Section 232 - of the National Housing Act, as amended 1959; provides for insured loan program to construct and rehabilitate nursing homes and intermediate care facilities
- Section 236 - of the Housing and Urban Development Act of 1968, as amended; provides for rental subsidy program for tenants of previous 236 projects whose rent exceeds 25% of income
- Sections 521 and 525 - of the Housing Act of 1949, as amended; provides for program of direct and insured loans for rental and cooperative housing in rural areas for low income persons including the elderly.

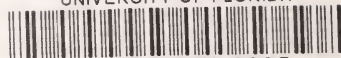
Programs Usually Referred to By NAME and/or ABBREVIATIONS:

- AAA - AREA agency on aging, the sub-state organization with responsibility for administering programs funded under title III (area planning and social service of the Older Americans Act)
- ACE - Active Corps of Executives; under Title III of the Domestic Volunteer Service Act of 1974, provides businessmen with an opportunity for volunteer activities through the Small Business Administration (usually in conjunction with SCORE).
- ADEA - Age Discrimination in Employment Act of 1967, as amended; prohibits discrimination in employment practices against those 40-65.
- AGE DISCRIMINATION ACT OF 1975 - Contained in Title III of the Older Americans Act Amendments of 1975 (P.L. 94-135); prohibits unreasonable age discrimination in programs and activities receiving Federal financial assistance.
- CETA - Comprehensive Employment and Training Act of 1973; Title IIIA provides for programs to special manpower target groups including older workers.
- FGP - Foster Grandparents Program; under Title II B of Domestic Volunteer Service Act of 1974, provides for stipend-volunteer program using elderly to assist children and other older persons ("Senior Companions").
- LEAA - Law Enforcement Assistance Administration, part of the U. S. Department of Justice. Administers anti-crime assistance to states and localities, including projects aimed specifically at reducing crime against the elderly
- LOW RENT PUBLIC HOUSING - In Housing Act of 1937, as amended; provide for loans to local housing authorities for multifamily housing for rental to low income, including elderly.
- MEDICAID - Title XIX of the Social Security Act; provides for program of health care services to low income persons.
- MEDICARE - Title XVIII of the Social Security Act; provides for program of health insurance for those 65 and some disabled persons.
- MODEL PROJECTS - Section 308 of the Older Americans Act; provides for program of demonstration projects related to meeting needs of the elderly.
- NIA - National Institute on Aging, one of the National Institutes of Health, conducts and funds research into the aging process
- OASDI - Old-Age, Survivors and Disability Insurance; under Title II of the Social Security Act, provides for program of regular social security benefits.
- PSA - Planning and Service Areas, usually the area served by a single area agency on aging, although some non-urban areas are divided into PSA's administered directly by state offices on aging
- REDUCED FARES - Section 5(m) of the Urban Mass Transportation Act of 1964, as amended, provides that recipients of federal funds under this section must charge elderly and handicapped half-fare or less during off-peak hours.
- RSVP - Retired Senior Volunteer Program; under Title II A of the Domestic Volunteer Service Act of 1973, provides for program to expand volunteer activities of older persons

- SCORE - Senior Corps of Retired Executives; under Title VII of the Domestic Volunteer Service Act of 1973, provides program of volunteer services by retired businessmen through the Small Business Administration.
- SOS - Senior Opportunities and Service; under Title II of the Economic Opportunity Act of 1964, provides for program of grants to develop and operate economic related programs to assist low income elderly.
- SSI - Supplemental Security Income program; under Title XVI of the Social Security Act, provides income maintenance program for poor aged, blind and disabled.
- VISTA - Volunteers in Service to America; under Title I of the Domestic Service Act of 1973, provides for program of stipend volunteer work for all adults in poor areas of the country.



UNIVERSITY OF FLORIDA



3 1262 09113 0905